

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/8/2009 9:47:45 PM  
**Subject:** memo  
[ethanol memo.doc](#)

Here is the draft ethanol memo. As I sat down to write, I realized I was a little unsure of our exact message. So it's entirely possible you'll ask me to turn around and do the whole thing over again! Let me know what you think.

Thanks.

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
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**Cc:** CN=Brian Hope/OU=DC/O=USEPA/C=US@EPA;CN=Trina  
Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]  
**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Ray Spears/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/8/2009 6:01:36 PM  
**Subject:** New FOIA Requests

The Agency has received 2 new FOIA requests that may be of interest.

1. HQ-RIN-01050-09 dated April 7, 2009. Request from Public Employees for Environmental Responsibility (PEER) for information concerning potential political interference with the exercise of legal

responsibilities of EPA with respect to a proposed Fall River/New Bedford, Massachusetts commuter rail. Request is for (1) a copy of all communications between EPA and members of the Massachusetts congressional delegation, their staffs, members of the administration of Massachusetts Governor Deval Patrick or any other Massachusetts official regarding a proposed Fall River/New Bedford commuter rail line; and (2) all communications between EPA and the US Arm Corps of Engineers concerning the proposed project.

Assigned: OCIR and Region I

2, HQ-RIN-01032-09 dated April 6, 2009. Request from Woody Pfister for all records of communications between 1/20/2009 and 4/03/2009 between Administrator Jackson, her staff, her special advisors and counsel, Robert Sussman and representatives of the following: the Sierra Club, Earth Justice, Natural Resource Defense Council, League of Conservation Voters, and the World Wildlife Fund regarding greenhouse gas regulation, global warming, greenhouse gas endangerment finding, and coal fired power plant air permits.

Assigned: AO and OAR

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To:  
From: Lisa Jackson  
Date: April --, 2009  
Re: Upcoming ethanol-related activities at EPA

Two ethanol-related matters will emerge from EPA in the next several weeks. I believe both matters, despite their technical and political complexity, hold promise for keeping us on a path toward the real prize in the world of alternative fuels: advanced biofuels.

1. Federal Register notice on Growth Energy's application for a waiver for E15. The first is EPA's publication in the Federal Register of a notice of a public comment period on Growth Energy's request for a waiver under the Clean Air Act for ethanol blends of up to 15 percent (E15). EPA may grant this waiver only if it finds that Growth Energy has established that the fuel in question does not cause or contribute to the failure of any vehicle or engine emissions control systems or devices. EPA's Federal Register notice on the Growth Energy application asks for comment on all aspects of Growth Energy's request. Of particular note is the notice's observation that a review of the evidence of the effect of ethanol blends greater than 10 percent (E10) on engines' durability and emissions control systems might reveal that some vehicles and engines are compatible with use of higher ethanol blends and some are not. If some vehicles and engines are not compatible with these higher-level blends, then the government must grapple with the question whether the fuel-market infrastructure (labeling, pumps, etc.) can adequately warn owners of different types of vehicles and engines away from using the higher-level blend. If the larger infrastructure can be adjusted to prevent problems in engines and vehicles that are not compatible with use of higher-level blends, then the possibility of granting a partial or conditional waiver – a waiver only for those vehicles and engines that will not be damaged by higher-level blends – becomes much more palatable. In the notice seeking public comment, EPA is endeavoring to gather the best evidence on whether this middle way – a partial or conditional waiver combined with adjustments to the fuel-market infrastructure to prevent damage to vehicles and engines – is feasible.

In the notice, EPA also asks for comment on the appropriateness of granting a waiver for blends lower than 15 percent. Growth Energy's application asks for a waiver for blends of "up to" 15 percent. EPA could, depending on the evidence presented, potentially find that a waiver is appropriate for blends lower than 15 percent. Here, too, EPA is seeking to make use of the best available evidence while at the same time remaining open to solutions more measured than granting the application for the highest blend level requested.

While the waiver matter does not itself involve advanced biofuels, I believe that sensible, fact-based steps by EPA in this context will help to quell anxiety in the broader biofuels market. Although advanced biofuels are the ultimate goal, we likely cannot get there without sensitive attention to the ethanol market we as a government have encouraged. Thus, while I cannot promise what the outcome of this waiver proceeding will be, I can promise that EPA will make proceed with due attention both to the state of the evidence and to potential flexibilities in our statutory authority.

I expect that this notice will be published the week of April 13.

2. RFS2. The second upcoming ethanol-related matter is publication of the proposed rule on renewable fuels, known as "RFS2." This rule implements the renewable fuels provisions of the Energy Independence and Security Act of 2007 (EISA). EISA recognizes the importance

of transitioning from current biofuels to advanced biofuels, and helps us to make that transition. EISA requires annual increases in the nation's use of renewable fuels, reaching a total of 36 billion gallons in 2022. This volume mandate includes a 15-billion gallon allowance for corn-based ethanol and a 21-billion gallon requirement for advanced biofuels. In the early years, this mandate will largely be met through the use of biofuels from existing capacity. In the later years, in contrast, the significant increases in volumes mandated by EISA will be met entirely through advanced biofuels. The advanced biofuel requirements recognize the need to develop and commercialize these new fuel pathways.

EPA's renewable fuels standard helps to pave the way for these advanced biofuels. First, the standard ensures that the volume obligations for the various types of fuels are met. Second, with respect to cellulosic biofuels, these are not even brought into the program until 2010; EPA's standard brings them in. A third way in which EPA's standard puts us on a path to the advanced biofuels comes in EPA's implementation of EISA's requirement of a greenhouse gas lifecycle analysis. EISA establishes greenhouse gas reduction thresholds for each type of fuel mandated by the law, as compared to the fuels they replace. To determine whether these thresholds are met, the statute prescribes a lifecycle approach. EPA's renewable fuels standard contains an extensive lifecycle analysis of the various fuels required by EISA. This analysis will help to press the alternative fuel industry toward the advanced biofuels insofar as these are the fuels that, as a class, tend to perform best according to the lifecycle analysis. Even for today's biofuels, the analysis provides incentives for investing in production technologies that would reduce their greenhouse gas emissions.

I expect that this proposed standard will be issued toward the end of this month.

To sum up, EPA is in the midst of two processes – the waiver application and the renewable fuels rulemaking – that can be managed in a way that both avoids unnecessary disruptions to today's alternative fuels industry and puts us on a path toward the advanced biofuels.

**To:** CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brian Hope/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brian Hope/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brian Hope/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Brian Hope/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]; N=Trina Porter/OU=DC/O=USEPA/C=US@EPA[]  
**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Ray Spears/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/8/2009 6:25:53 PM  
**Subject:** Re: New FOIA Requests

Rob, I see that Trina has given you the due dates for the 2 earlier requests. Note also that as regards the Pfister request, OAR is primary lead for the response. I also just received notice regarding another request. While it does not directly involve Front Office staff, it may be of interest.

HQ-RIN-01035-09 dated 4/03/2009. Ian Talley of the Dow Jones Newswires requests the full text of any responses of all Obama administration EPA nominees - except for Administrator Lisa Jackson- to questions from every member of the Senate Environment and Public Works Committee.

Assigned: OCIR with target due date of 5/04/2009

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To: Ray Spears/DC/USEPA/US@EPA  
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brian Hope/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Trina Porter/DC/USEPA/US@EPA  
Date: 04/08/2009 02:03 PM  
Subject: Re: New FOIA Requests

Thanks Ray. When are these due to the requestors?

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\*Please consider the environment before printing this e-mail

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To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA  
Cc: Brian Hope/DC/USEPA/US@EPA, Trina Porter/DC/USEPA/US@EPA  
Date: 04/08/2009 02:01 PM  
Subject: New FOIA Requests

The Agency has received 2 new FOIA requests that may be of interest.

1. HQ-RIN-01050-09 dated April 7, 2009. Request from Public Employees for Environmental Responsibility (PEER) for information concerning potential political interference with the exercise of legal responsibilities of EPA with respect to a proposed Fall River/New Bedford, Massachusetts commuter rail. Request is for (1) a copy of all communications between EPA and members of the Massachusetts congressional delegation, their staffs, members of the administration of Massachusetts Governor Deval Patrick or any other Massachusetts official regarding a proposed Fall River/New Bedford commuter rail line; and (2) all communications between EPA and the US Arm Corps of Engineers concerning the proposed project.

Assigned: OCIR and Region I

2, HQ-RIN-01032-09 dated April 6, 2009. Request from Woody Pfister for all records of communications between 1/20/2009 and 4/03/2009 between Administrator Jackson, her staff, her special advisors and counsel, Robert Sussman and representatives of the following: the Sierra Club, Earth Justice, Natural Resource Defense Council, League of Conservation Voters, and the World Wildlife Fund regarding greenhouse gas regulation, global warming, greenhouse gas endangerment finding, and coal fired power plant air permits.

Assigned: AO and OAR

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**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/8/2009 10:19:32 PM  
**Subject:** Fw: Ison Rock Ridge Permit  
[www.sierraclub.org/MTR](http://www.sierraclub.org/MTR)  
[www.samsva.org](http://www.samsva.org)  
[www.sierraclub.org](http://www.sierraclub.org)

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/08/2009 06:18 PM -----

**From:** Gregory Peck/DC/USEPA/US  
**To:** Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Mike Shapiro/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA  
**Date:** 04/08/2009 06:14 PM  
**Subject:** Ison Rock Ridge Permit

Environmental Protection Agency Intervenes to Block A&G Coal's Ison Rock Ridge Mine  
Community members applaud decision to protect streams, residents

Appalachia, Virginia — In a victory for community members and for clean water, the Environmental Protection Agency (EPA) this week requested that the U.S. Army Corps of Engineers to revoke the "nationwide 21" mining permit for A&G Coal's massive Ison Rock Ridge mountaintop removal coal mine in Southwest Virginia. The news comes only weeks after a delegation of Appalachian coalfield residents met with the EPA in Washington, D.C. urging the Agency to take quick action to protect their communities from the ravages of mountaintop removal coal mining. The bold move is the latest clear signal that the Obama Administration is taking action on mountaintop removal coal mining and supports clean energy solutions and green jobs. Southern Appalachian Mountain Stewards (SAMS), a community organization based in Wise County, Virginia, and the Sierra Club have worked for two years to oppose strip mining on Ison Rock Ridge.

"This is a great day! I am hopeful it means the beginning of the end of the wholesale destruction of the Appalachian Mountains, its watersheds, its streams, its people, and its soul," said Kathy Selvage, vice president of SAMS.

The Army Corps had been relying on a cookie-cutter "nationwide" permit for the Ison Rock Ridge mine, but in the EPA's recommendation that the Army Corps revoke the permit the Agency raised concerns about the mine's impact on waterways that were not addressed in the "nationwide" permit. By dumping its mining waste into valleys and waterways, the Ison Rock Ridge mountaintop removal coal mining operation would be extremely destructive. Residents are also concerned with the proximity of the

proposed mine to their homes, as portions of the permit are within the corporate limits of the town of Appalachia and surround several other nearby communities.

"I'm so relieved and grateful the EPA has taken this action," said Gary Bowman, whose home is only hundreds of feet away from a proposed sediment pond for the permit. "We were stuck between a rock and a hard place with this permit and are so happy that we will be able to stay in our home."

The company that operates the Ison Rock Ridge site, A&G Coal, is known for its role in the August 20, 2004 tragedy in which a boulder from an A&G strip mine rolled down a hillside and crashed into a family's Wise County home below, killing a sleeping three-year-old child in his bedroom.

"The days of reckless, unchecked destruction of Appalachian mountains are numbered," said Mary Anne Hitt, Deputy Director of the Sierra Club's Beyond Coal Campaign. "There is much more work to do, but President Obama's EPA has taken bold action on mountaintop removal coal mining, and we applaud their intervention."

The Ison Rock Ridge permit in Wise County, Virginia, covers nearly 1,300 acres and would destroy three miles of streams and fill nine lush valleys with more than 11 million cubic yards of rock and dirt. The massive mountaintop removal coal mine would surround the community of Derby, bringing destruction within a half mile of the historic district, eliminating the community's tourism appeal. Other nearby affected communities include Andover, Inman, and Osaka and the Town of Appalachia.

"I'm walking on air," said Derby resident Bob Mullins, who recently returned from a meeting with the White House Council on Environmental Quality. "I feel like we've finally accomplished something. This is a great victory to start with and now it's time to get our friends and neighbors together to continue fighting for the cause and building this movement that is truly gaining momentum."

Mountaintop removal mining is a destructive form of coal mining that has already contaminated or destroyed nearly 2,000 miles of streams. The mining poisons drinking water, lays waste to wildlife habitat, increases the risk of flooding and wipes out entire communities. For more information, visit [www.sierraclub.org/MTR](http://www.sierraclub.org/MTR) or [www.samsva.org](http://www.samsva.org).

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**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
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**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/8/2009 2:25:08 PM  
**Subject:** Fw: Hillary Rodham Clinton Remarks at The Joint Session of the Antarctic Treaty Consultative Meeting  
[Hotspot](#)

Here is the speech I mentioned this morning.

Remarks at The Joint Session of the Antarctic Treaty Consultative Meeting and the Arctic Council, 50th Anniversary of the Antarctic Treaty  
Hillary Rodham Clinton  
Secretary of State  
Loy Henderson Conference Room  
Washington, DC  
April 6, 2009

Thank you very much, Reno, and let me welcome all of you here for this very important event. It's a real pleasure for me to have the honor of serving as Secretary of State as we celebrate really four interlocking events that bring us all to this place today. I want to certainly welcome all of the ministers who are here and also Prince Albert – we greatly appreciate his work – the many representatives of organizations that have been deeply concerned about the Antarctic and the Arctic.

But let me relate the four important events that I think we are marking today: first, the conclusion of the International Polar Year, a coordinated effort in planetary research among scientists from more than 60 nations; second, the start of the Annual Antarctic Treaty Consultative Meeting, which the United States is proud to host for the first time in 30 years; third, the first ever Joint Session of the Antarctic Treaty Consultative Meeting and the Arctic Council; and finally, the 50th anniversary of the treaty itself, which stands as an example of how agreements created for one age can serve the world in another, and how when nations work together at their best the benefits are felt not only by their own people but by all people and by succeeding generations.

In 1959, representatives from 12 countries came together in Washington to sign the Antarctic Treaty, which is sometimes referred to as the first arms control agreement of the Cold War. Today, 47 nations have signed it. And as a result, Antarctica is one of the few places on earth where there has never been war. Other than occasional arguments among scientists and those stationed there over weighty matters having to do with sports, entertainment, and science, there has been very little conflict.

It is a land where science is the universal language and the highest priority and where people from different regions, races, and religions live and work together in one of the planet's most remote, beautiful, and dangerous places.

The genius of the Antarctic Treaty lies in its relevance today. It was written to meet the challenges of an earlier time, but it and its related instruments remain a key tool in our efforts to address an urgent threat of this time, climate change, which has already destabilized communities on every continent, endangered plant and animal species, and jeopardized critical food and water sources.

Climate change is shaping the future of our planets and – our planet in ways we are still striving to understand. But the research made possible within the framework of the Antarctic Treaty has shown us that catastrophic consequences await if we don't take action soon. The framers of the treaty may not have foreseen exactly the shape of climate change, but their agreement allowed scientists to model its effects, including glaciologists studying the dynamics of ice, biologists exploring the effects of harsh temperatures on living organisms, geophysicists like those who discovered the hole in the ozone layer

above Antarctica that prompted the ban embodied in the 1987 Montreal Protocol. Today, the hole above the Antarctica is starting to close, thanks to the world's response to this discovery. So the treaty is a blueprint for the kind of international cooperation that will be needed more and more to address the challenges of the 21st century, and it is an example of smart power at its best. Governments coming together around a common interest and citizens, scientists, and institutions from different countries joined in scientific collaboration to advance peace and understanding. I know there are scientists here today who have conducted research in Antarctica, and I thank you for your commitment and your courage. The United States military has something called the Antarctica Service Award, which it issues to any Americans, military or civilian, who have been members of expeditions to the Antarctica, have served in its waters, or worked in the stations there. And there's a special bar called the Wintered Over bar that goes to those people who stay for a full year. That gives an indication of how tough it can be down there and how determined you have to be to see your work through. But it is important for humanity's understanding of our planet and our ability to anticipate and mitigate the changes caused by global warming. And with the collapse of an ice bridge that holds in place the Wilkins Ice Shelf, we are reminded that global warming has already had enormous effects on our planet, and we have no time to lose in tackling this crisis. I'm very pleased that the Obama Administration has made it clear that we are committed to working with you and leading in our efforts, advancing toward Copenhagen to take united action on behalf of our response to global climate change.

We need to increase our attention not only to the Antarctic but to the Arctic as well. As a senator, I traveled to the Arctic region, both in Norway and Alaska. I saw for myself the challenging issues that the region is facing today, especially those caused by climate change. This too provides an opportunity for nations to come together in the 21st century, as we did 50 years ago in the 20th century. We should be looking to strengthen peace and security, and support sustainable economic development, and protect the environment.

The warming of the Arctic has profound implications for global commerce, with the opening of new shipping routes. It raises the possibility of new energy exploration, which will, of course, have additional impacts on our environment. And Arctic warming has already serious consequences for the indigenous communities that have made their homes there for many generations.

The changes underway in the Arctic will have long-term impacts on our economic future, our energy future, and indeed, again, the future of our planet. So it is crucial that we work together. Here in Washington, the State Department coordinates Arctic policy for the United States, and I am committed to maintaining a high level of engagement with our partners on this. That starts with the Law of the Sea Convention, which President Obama and I are committed to ratifying, to give the United States and our partners the clarity we need to work together smoothly and effectively in the Arctic region. There are also steps we must take to protect the environment. For example, we know that short-lived carbon forcings like methane, black carbon, and tropospheric ozone contribute significantly to the warming of the Arctic. And because they are short lived, they also give us an opportunity to make rapid progress if we work to limit them.

In advance of the Arctic Council meeting in Norway later this month, I have asked my team here at the State Department to come up with new initiatives that the United States will put forth to be a full, active partner in these efforts.

We also must push forward with research. There is still a lot more to learn about the polar regions. We are encouraged by discoveries made during the International Polar Year. Look at what's been accomplished: scientists produced detailed maps of the last unexplored mountain range on earth, sent robot submarines under the Antarctic Ice Shelf to map the sea beds, drilled deep beneath the sea floor to learn more about the effects of carbon dioxide on the West Antarctic Ice Sheet, and shed light on how climate change affects the microscopic life at the base of our ecosystem.

Together, these discoveries will advance our understanding and hopefully inspire us to work more closely together to limit the impacts on our lives.

Now, these projects and many more were the result of partnerships among nations represented here. Exploring our planet, protecting its future, is too large a task for any one country to undertake. And of course, no country owns the market on good ideas. Breakthroughs can and should come from anywhere and everywhere, especially when genuine collaboration and teamwork are involved. Organizations and events like this that bring people together from across disciplines and regions are crucial. That is the model of the Antarctic Treaty, and it is reflected in events like the International Polar year and in groups like the Arctic Council.

The United States stands in strong support of both the Antarctic Treaty and its purpose: to maintain the Antarctica

as a place of peace and to use the science that can only be performed there to benefit the entire planet. I am pleased to announce that on Friday, President Obama sent to the United States Senate the Annex to the Protocol on Environmental Protection to the Antarctic Treaty that deals with liability arising from environmental emergencies. The President has urged the Senate to give the Annex its consent so the United States can ratify it and we can take a major step forward in enhancing environmental protection in the Antarctica by clearly laying out how countries must prevent emergencies and respond to them if they do occur. The Annex will only take effect once all the countries in the Antarctic Treaty approve it, so I urge all of us to move as quickly as we can to fill this gap in our care for the Antarctica.

The United States has also submitted a proposal to the Consultative Parties of the Antarctic Treaty to extend marine pollution rules in a manner that more accurately reflects the boundaries of the Antarctic ecosystem. Strengthening environmental regulation is especially important as tourism to the Antarctica increases. The United States is concerned about the safety of the tourists and the suitability of the ships that make the journey south. We have submitted a resolution that would place limits on landings from ships carrying large numbers of tourists. We have also proposed new requirements for lifeboats on tourist ships to make sure they can keep passengers alive until rescue comes. And we urge greater international cooperation to prevent discharges from these ships that will further degrade the environment around the Antarctica.

For the Antarctic Treaty parties, I hope your time here over the next two weeks will be fruitful as you discuss these and other issues related to our polar regions. And as the world prepares for the UN Climate Talks this December in Copenhagen, meetings like this are more important than ever.

The Antarctic Treaty is a product of far-sighted, visionary leaders from all walks of life, from government, from academia and science, from the private sector, and others who cared deeply about the future of this great continent to our south. But it serves as a model. It is a living example of how we can form a vital partnership to meet the challenges of this time. So in the spirit of the treaty and in light of the incredible discoveries that took place during the International Polar Year, let us resolve to keep making progress with sharp research and bold action on both ends of our planet, in the south and the north, for the good of our nations and for the people, but mostly for this beautiful planet we currently share and the succeeding generations that should have the same opportunity to enjoy its bounty and its beauty.

Thank you very much. (Applause.)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/8/2009 10:38:41 PM  
**Subject:** waiver notice  
[E15FRnoticeforcomment mto40809clean.doc](#)

In case you haven't yet had a chance to look at the waiver notice, I am attaching a slightly revised version. From OTAQ's perspective (and mine), it's ready to go. Let me know what you think, when you have a minute. Thanks.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 11:41:02 AM  
**Subject:** Re: waiver notice

Thanks. Yes, you should send to Rouse today.

I'll revise the letter. Do you envision it going out right before rule is proposed, so we can say in it that the rule is coming out?

----- Original Message -----

From: Richard Windsor  
Sent: 04/08/2009 10:49 PM EDT  
To: Lisa Heinzerling  
Subject: Re: waiver notice

This looks fine. OK for you to send to WH (Jody). Should I send to Rouse tomorrow?

REMINDER - Last step before it goes to Register is for me to send a letter to members of Congress. And for us to give heads up to a few others. Are you revising the letter to Congress or me? I forgot what we decided. Tx.

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/08/2009 06:38 PM EDT  
To: Richard Windsor  
Subject: waiver notice

In case you haven't yet had a chance to look at the waiver notice, I am attaching a slightly revised version. From OTAQ's perspective (and mine), it's ready to go. Let me know what you think, when you have a minute. Thanks.

[attachment "E15FRnoticeforcomment mto40809clean.doc" deleted by Richard Windsor/DC/USEPA/US]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 12:14:19 PM  
**Subject:** Re: waiver notice

p.s. I'll send notice to Heather since she was at the blend meeting -- ok?

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/09/2009 07:50 AM  
**Subject:** Re: waiver notice

Oh sorry. I got confused. Letter is for rule, not blend. And answer is yes.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/09/2009 07:41 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: waiver notice

Thanks. Yes, you should send to Rouse today.

I'll revise the letter. Do you envision it going out right before rule is proposed, so we can say in it that the rule is coming out?

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/08/2009 10:49 PM EDT  
**To:** Lisa Heinzerling  
**Subject:** Re: waiver notice

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----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/08/2009 06:38 PM EDT  
**To:** Richard Windsor  
**Subject:** waiver notice

In case you haven't yet had a chance to look at the waiver notice, I am attaching a slightly revised version. From OTAQ's perspective (and mine), it's ready to go. Let me know what you think, when you have a minute. Thanks.

[attachment "E15FRnoticeforcomment mto40809clean.doc" deleted by Richard Windsor/DC/USEPA/US]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 12:28:12 PM  
**Subject:** Fw: ECA for Puerto Rico  
Byron Bunker

The long email below is from Byron Bunker. It is in response to your question about adding an ECA proposal for Puerto Rico.

Deliberative

# Deliberative

Please let me know if you have concerns about this way of proceeding.

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 04/09/2009 08:26 AM -----

**From:** Margo Oge/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/08/2009 06:25 PM  
**Subject:** Fw: ECA for Puerto Rico

Lisa--this is how we will proceed with ECA--still does what the Administrator asked without having to resubmit the whole package

margo

----- Forwarded by Margo Oge/DC/USEPA/US on 04/06 on /2009 06:22 PM -----

**From:** Byron Bunker/AA/USEPA/US  
**To:** Margo Oge/DC/USEPA/US@EPA  
**Cc:** Chet France/AA/USEPA/US@EPA  
**Date:** 04/08/2009 06:18 PM  
**Subject:** Re: ECA for Puerto Rico

# Deliberative

# Deliberative

Please let me know if you have any further questions

\*\*\*\*\*

Byron Bunker  
Center Director - Heavy-Duty Onroad Center  
Assessment and Standards Division  
Office of Transportation and Air Quality  
US Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
(734) 214-4155  
(734) 214-4050 (fax)  
**Personal Privacy** (cell)  
e-mail: bunker.byron@epa.gov

\*\*\*\*\*

Margo Oge/DC/USEPA/US  
EPA-OAR,OTAQ,OD  
Received Date:  
04/08/2009 06:03 PM  
Transmission Date:  
04/08/2009 06:03:53 PM  
To Chet France/AA/USEPA/US@EPA  
cc Byron Bunker/AA/USEPA/US@EPA  
Subject Re: ECA for Puerto Rico

can you please make it clear when we are sending the Porto Rico application? thanks

From: Chet France/AA/USEPA/US  
To: Margo Oge/DC/USEPA/US@EPA  
Cc: Byron Bunker/AA/USEPA/US@EPA  
Date: 04/06/2009 10:01 AM  
Subject: ECA for Puerto Rico

Here is a slightly revised version based on the conversation with Coast Guard (paragraph 3 is changed):

# Deliberative

Please let me know if you have any further questions

**To:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=David Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];  
N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/8/2009 11:40:38 PM  
**Subject:** Draft LPJ Fishbowl Memo  
[Fishbowl Memo-032509-OGC Revision.doc](#)

Enclosed is a draft "fishbowl" memo for the Administrator to send to all EPA employees. OGC drafted the memo and I've reviewed and revised it. It amplifies the commitment to transparency that the Administrator expressed in her confirmation hearing and "day 1" memo to the EPA workforce. If at all possible, we should finalize the memo before April 29, the 100th day of the Obama Presidency.

Similar memos were sent early on by Administrators Ruckelshaus, Thomas, Reilly and Browner but not by the three Administrators appointed by President GW Bush. The Ruckelshaus memo formed the basis for the later memos, with each Administrator repeating the original language but adding glosses of his/her own. Over time, the scope of the memo expanded while the core messages remained the same.

The enclosed draft draws on the previous memos but also builds in the Administrator's previous statements on transparency as well as the pronouncements of the President. The draft is annotated to indicate the source document we've drawn from.

Note the commitment to disclosure of the Administrator's calendar of public meetings and her directive that senior officials follow the same policy. We need to make sure that we've correctly captured current practice.

Also note that the memo addresses communications with Congress and the press. Here too, we've borrowed from previous memos. However, we should recognize that these are complex and sensitive areas which various EPA General Counsels and OECA Assistant Administrators have addressed in greater detail. I've reviewed the more detailed guidance and am comfortable with how we summarize it but others on the team should review the language closely.

If we could get comments from all of you by Monday, we will then be able to present the Administrator with a final version by mid-week. Thanks.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-OAR-2009-0211; FRL - ]**

Notice of Receipt of a Clean Air Act Waiver Application to Increase the Allowable Ethanol Content of Gasoline to 15 Percent; Request for Comment

**AGENCY:** Environmental Protection Agency (EPA)

**ACTION:** Notice.

**SUMMARY:** On March 6, 2009, Growth Energy and 54 ethanol manufacturers submitted an application for a waiver of the prohibition of the introduction into commerce of certain fuels and fuel additives set forth in section 211(f) of the Clean Air Act (“the Act”). This application seeks a waiver for ethanol-gasoline blends of up to 15 percent by volume ethanol (“E15”). The statute directs the Administrator of EPA to grant or deny this application within 270 days of receipt by EPA, in this instance December 1, 2009. In this Notice, EPA is soliciting comment on all aspects of the waiver application.

**Dates:** Written comments must be received on or before [insert 30 days after publication in the Federal Register].

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2009-0211, by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.
- E-mail: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).
- Fax: (202) 566-1741.
- Mail: Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2009-0211, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two copies.

- Hand Delivery: EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2009-0211. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*How Can I Access the Docket?*

EPA has established a public docket for this application under Docket ID No. EPA-HQ-OAR-2009-0211, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the EPA/DC Docket Center Public Reading Room, 1301 Constitution Avenue, NW., Room 3334, Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is 202-566-1742.

Use [www.regulations.gov](http://www.regulations.gov) to obtain a copy of the waiver request, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the docket ID number identified in this document.

**FOR FURTHER INFORMATION CONTACT:** James W. Caldwell, Office of Transportation and Air Quality, Mailcode: 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9303; fax number: (202) 343-2802; email address: [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Statutory Background*

Section 211(f)(1) of the Act makes it unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for use by any person in motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. EPA last issued an interpretive rule on the phrase “substantially similar” at 73 FR 22281 (April 25, 2008).

Section 211(f)(4) of the Act provides that upon application by any fuel or fuel additive manufacturer, the Administrator may waive the prohibitions of section 211(f)(1) if the Administrator determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or a specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards to which it has been certified pursuant to sections 206 and 213(a) of the Act. In other words, the Administrator may grant a waiver for a prohibited fuel or fuel additive if the applicant can demonstrate that the new fuel or fuel additive will not cause or contribute to engines, vehicles or equipment failing to meet their emissions standards over their useful life. The statute requires that the Administrator shall take final action to grant or deny the application, after public notice and comment, within 270 days of receipt of the application.

The current statute reflects changes made under the Energy Independence and Security Act of 2007 which explicitly extended the section 211(f)(4) waiver provision to nonroad engines and nonroad vehicles, extended the period allowed for consideration of the waiver application from 180 days to 270 days and deleted a provision that resulted in a waiver becoming effective by operation of law if the Administrator made no decision within 180 days. The 1978 waiver for 10 percent ethanol in gasoline (“E10”) became effective under the previous provision when no decision was made by the Administrator regarding the waiver application and the waiver became effective by operation of law after passage of 180 days.

*Context of Growth Energy’s Waiver Application*

On March 6, 2009, Growth Energy and 54 ethanol manufacturers submitted a waiver application to the Administrator, pursuant to section 211(f)(4) of the Act, for ethanol-gasoline blends containing up to 15 percent ethanol by volume (“E15”).

Growth Energy maintains that under the renewable fuel program requirements of the Energy Independence and Security Act of 2007, which is now primarily satisfied by the use of ethanol in motor vehicle gasoline, there exists a “blend barrier” or “blendwall” by which motor vehicle gasoline in the U.S. essentially will become saturated with ethanol at the 10 volume percent level very soon. Growth Energy maintains that a necessary first step is to increase the allowable amount of ethanol in motor vehicle gasoline up to 15 percent (E15) in order to delay the blendwall.

Growth Energy states in its waiver application that its supporting studies and extensive experience with ethanol support a conclusion that E15 will not cause or contribute to the failure of an emission control system such that the engine or vehicles fails to achieve compliance with its emission standards. In addition to the information that Growth Energy submitted, EPA is aware that several interested parties are investigating the impact that mid-level blends (e.g., E15 or E20) may have on vehicles and equipment. These testing programs are evaluating emissions impacts as well as other types of impacts (i.e. catalyst, engine, and fuel system durability, and onboard diagnostics) on vehicles and equipment. The Department of Energy, working in conjunction with the Coordinating Research Council and other interested parties, is leading a substantial testing effort. Results from this program to date are referenced in Growth Energy’s waiver request, and we expect additional data will be added to the docket as it becomes available.

One potential outcome at the end of our process, after reviewing the entire body of scientific and technical information available to us, may be an indication that a fuel up to E15 could meet the criteria for a waiver for some vehicles and engines but not for others. Some vehicles and engines may be more susceptible to emission increases or durability problems that cause or contribute to these vehicles or engines failing to meet their emissions standards. Assuming the criteria are met for a certain subset of vehicles, one interpretation of section 211(f)(4) is that the waiver could be approved in part for only that subset of vehicles or engines for which testing supports its use and for which adequate conditions or other measures could be implemented to ensure its proper use.

Any approval, either fully or partially, is likely to elicit a market response to add E15 blends to E10 and E0 blends in the marketplace, rather than replace them. Thus consumers would merely have an additional choice of fuel.

Experience in past fuel programs has shown that even with consumer education and fuel implementation efforts, there sometimes continues to be public concern for new fuel requirements. Several examples include the phasedown of the amount of lead allowed in gasoline in the 1980s and the introduction of reformulated gasoline (RFG) in 1995. Some segments of the public were convinced that the new fuels caused vehicle problems or decreases in fuel economy. Although substantial test data proved otherwise, these concerns lingered in some cases for several years. As a direct result of these waiver experiences, EPA wants to be assured that prior to granting a waiver, sufficient testing has been conducted to demonstrate the compatibility of a waiver fuel with engine, fuel and emission control system components.

EPA has previously granted waivers with certain restrictions or conditions, including requirements that precautions be taken to prevent using the waiver fuel as a base fuel for adding

oxygenates, that certain corrosion inhibitors be utilized when producing the waiver fuel, and that waiver fuels meet voluntary consensus-based standards such as those developed by the American Society for Testing and Materials (ASTM). In a partial waiver for fueling certain types of vehicles or engines, the conditions placed on the fuel manufacturer would be that the fuel is only used in certain vehicles or engines (i.e. E15 is only used in the subset of vehicles or engines identified in the partial or conditional waiver). It would become the fuel manufacturer's responsibility to prevent misfueling. EPA recognizes that there may be legal and practical limitations on what a fuel manufacturer may be able to do to ensure compliance with the conditions of the waiver. EPA has not previously imposed this type of "downstream" condition on the fuel manufacturer as a condition for obtaining a section 211(f)(4) waiver. EPA does, however, have experience with compliance problems occurring when two types of gasoline have been available at service stations. Beginning in the mid-1970s with the introduction of unleaded gasoline and continuing into the 1980s as leaded gasoline was phased out, there was significant intentional misfueling by consumers. At the time most service stations had pumps dispensing both leaded and unleaded gasoline and a price differential as small as a few cents per gallon was enough to cause some consumers to misfuel.

*Request for Comments*

EPA invites public comments and data on all aspects of the waiver application that will assist the Administrator in determining whether the statutory basis for granting the waiver request for ethanol-gasoline blends containing up to E15 has been met. EPA specifically requests comment and data that will enable EPA to:

- (a) evaluate whether an appropriate level of scientific and technical information exists in order for the Administrator to determine whether the use of E15 will not cause or contribute to a

failure of any emission control device or system over the useful life of any motor vehicle or motor vehicle engine (certified pursuant to section 206 of the Act) to achieve compliance with applicable emission standards;

(b) evaluate whether an appropriate level of scientific and technical information exists in order for the Administrator to determine whether the use of E15 will not cause or contribute to a failure of any emission control device or system over the useful life of any nonroad vehicle or nonroad engine (certified pursuant to section 206 and 213(a) of the Act) to achieve compliance with applicable emission standards; and,

(c) evaluate whether an appropriate level of scientific and technical information exists in order for the Administrator to grant a waiver for an ethanol-gasoline blend greater than 10 percent and less than or equal to 15 percent by volume.

EPA also requests comment on:

(d) all legal and technical aspects regarding the possibility that a waiver might be granted, in a conditional or partial manner, such that the use of up to E15 would be restricted to a subset of gasoline vehicles or engines that would be covered by the waiver, while other vehicles or engines would continue using fuels with blends no greater than E10. EPA seeks comment on what measures would be needed to ensure that the fuel covered by the waiver (i.e. a partial or conditional waiver) is only used in that subset of vehicles or engines. EPA acknowledges that the issue of misfueling would be challenging in a situation where a conditional waiver is granted. To the extent a partial or conditional waiver may be appropriate, please provide comments on the legal and technical need for restrictions of this nature. Comments are also requested on how the Agency might define a partial or conditional waiver. For example, assuming there is sufficient technical basis, should the

subset of vehicles or engines that is allowed to use the waived fuel be defined by model year of production, engine size, application (e.g., highway vehicle vs. nonroad engine), or some other defining characteristic.

- (e) Any education efforts that would be needed to inform the public about the new fuel that would be available if a waiver is granted. To address the possibility of a grant of a conditional or partial waiver, the Agency requests specific comments on public education measures that would be needed if the waiver allowed the fuel to be used only in a subset of existing vehicles or engines.

Commenters should include data or specific examples in support of their comments in order to aid the Administrator in determining whether to grant or deny the waiver request.

In order for any testing programs evaluating emissions impacts, as well as other types of impacts (i.e. catalyst, engine, and fuel system durability, and onboard diagnostics), to be the most useful in EPA's evaluation of Growth Energy's waiver application, any mid-level ethanol blend testing or other analyses should consider emissions and other impacts for the different engines and equipment (including the fuel systems) that are currently in service and that could be exposed to mid-level ethanol blends. Such testing and analyses should also assess the long-term impacts of such blends. EPA specifically solicits the data and results from such testing and analyses.

Although it is not a specific criterion by which to evaluate a waiver request under section 211(f), any approved waiver request could require new program changes to accommodate this new fuel. EPA seeks comment on the effect of a potential E15 waiver on the existing fuel programs (e.g., gasoline detergent certification, impact on underground storage tanks, etc.) and on the gasoline production, distribution and marketing infrastructure. EPA also seeks comment

on the dynamics of the blendwall concern raised by Growth Energy, the extent to which the use of an E15 waiver would in practice help address this concern, and what additional steps would have to be taken to bring E15 to market should a waiver be granted.

Dated:

---

Elizabeth Craig  
Acting Assistant Administrator  
Office of Air and Radiation

**MEMORANDUM**

**SUBJECT:** Transparency in EPA's Operations

**TO:** All EPA Employees

In my testimony before the Senate Committee on Environment and Public Works and in my January 23, 2009, memorandum to all employees, I expressed my commitment to uphold the values of transparency and openness in conducting EPA operations. President Obama recently said in a memorandum to agency heads: "Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset." I am asking each one of you to help me ensure EPA operates in full compliance with this principle. .

In 1983, then Administrator William Ruckelshaus promised that under his leadership, EPA would operate "in a fishbowl." I wish to reaffirm this commitment and take the opportunity to provide guidelines about how we will ensure transparency in our interactions with all members of the public. .

The success of our environmental efforts depends on earning and maintaining the trust of the public we serve. To do this, we must conduct business with the public openly and fairly. These guidelines are intended to maintain the fairness and openness of our procedures and thus strengthen public confidence in our decisions. I am relying on EPA employees to use their common sense and good judgment to conduct themselves with the openness and integrity which alone can ensure public trust in EPA.

**General Principles**

In all its programs, EPA will provide for the fullest possible public participation in decision-making. This requires not only that EPA remain open and accessible to those representing all points of view, but also that EPA offices responsible for decisions take affirmative steps to solicit the views of those who will be affected by these decisions, including communities of color, native Americans, people disproportionately impacted by pollution, small businesses, cities and towns working to meet their environmental responsibilities, and others who have been historically underrepresented in EPA decision making. EPA will not accord privileged status to any special interest, nor will it accept any recommendation or proposal without careful, critical examination.

### Appointment Calendars

To keep the public fully informed of my contacts with interested persons, I have directed that a copy of my appointment calendar showing meetings with members of the public be provided to the EPA Office of the Executive Secretariat where it will be available to the public at the end of each week. I also direct other senior Agency officials, including the Deputy Administrator, the Assistant Administrators, and the Regional Administrators, to make their appointment calendars available to the public in a similar fashion.

### Freedom of Information Act Policy

As President Obama has stated, the Freedom of Information Act (FOIA) should be administered with a clear presumption that openness prevails. All agency personnel should ensure that this principle of openness is applied to the extent possible when responding to a FOIA request. Managers should give their staffs and the Agency's FOIA professionals the support needed to satisfy FOIA's transparency requirement in as timely and efficient a manner as possible. In accordance with guidance issued by Attorney General Holder on March 19, 2009, EPA offices should exercise their discretion in disclosing documents whenever possible under the FOIA. Offices should assert an exemption to disclosure only where the Agency reasonably foresees that disclosure would harm an interest protected by an exemption or disclosure is prohibited by law. Offices should also take steps to make information public on the Agency's website without waiting for a request from the public to do so. More detailed FOIA implementation procedures will be provided in the near future to assist you in carrying out this important government responsibility.

Because EPA is a public regulatory agency and employer to about 18,000 employees, EPA staff may come into possession of certain information that may need to be protected from disclosure under FOIA, including certain contract or business data, trade secrets, or personal privacy information. Although the Agency's business is to be conducted in an open and accountable manner, we must also ensure that information entitled to special protection is handled with the utmost care and in full compliance with all applicable laws and regulations. Questions about whether special protections apply to certain information should be directed to the Office of General Counsel's General Law Office.

### Rulemaking Proceedings

In rulemaking proceedings under the Administrative Procedure Act and other similar procedural provisions, EPA should ensure that the basis for the Agency's decision appears in the rulemaking record. Therefore, each EPA employee should ensure that (1) all written comments regarding a proposed rule received from members of the public, including regulated entities and interested parties, are entered into the rulemaking docket; and (2) a brief memorandum summarizing any significant new factual information likely

to affect the final decision received during a meeting or other conversation concerning the proposed rule is placed in the rulemaking docket.

EPA offices conducting rulemaking are encouraged to reach out as broadly as possible for views to assist in arriving at final rules. This should be done in a manner that ensures, as far as practicable, that final decisions are taken on the basis of information or views that have been disclosed to members of the public in a timely manner. This means that EPA employees must summarize in writing and place in the rulemaking docket any oral communication regarding a proposed rule that contains significant new factual information, including a meeting with a member of the public or an interested group. While EPA may meet individually with interested groups and individuals, employees should attempt, to the maximum extent practicable, to provide all interested persons with an equal opportunity to meet with EPA. Questions about how to handle comments and other communications regarding a proposed rule should be directed to the appropriate program office personnel, attorneys in the Office of General Counsel or regional staff working on the specific rulemaking.

I am committed to fulfilling President Obama's direction to agency heads to make use of tools and technology to increase outreach and interaction with the public. Public participation in Agency rulemaking proceedings may take a variety of forms, including public hearings and meetings, workshops, forums, focus groups, surveys, roundtables, Federal Register notice-and-comment procedures, advisory committee meetings, informal meetings with interested parties, internet-based dialogues, and other opportunities for informal dialogue, consistent with the requirements of the Paperwork Reduction Act (PRA), the Federal Advisory Committee Act (FACA), and other laws.

#### Litigation and Formal Adjudication

EPA is engaged in a wide range of litigation, both enforcement and defensive in nature. While we must work openly, fairly, and in accordance with all legal requirements, we must also protect privileged litigation and enforcement-sensitive information from unauthorized disclosure. Communication with parties involved in litigation with EPA about that litigation should be through an attorney representing EPA in the case. Program personnel who receive inquiries about pending litigation from persons who are not parties to the litigation must consult with an attorney representing EPA in the case before responding. If you do not know which attorneys are representing EPA in a specific case, contact the Office of General Counsel, the Office of Enforcement and Compliance Assurance, or an Office of Regional Counsel, as appropriate.

Formal adjudications (including certain administrative penalty proceedings and pesticide cancellation proceedings) are governed by specific requirements concerning *ex parte* communications, which appear in the various EPA rules governing those proceedings. Information about these rules is available from the Office of General Counsel and on the EPA Intranet.

Contacts with Congress and the Press

Requests for records or information from Congress, ie., the Speaker of the House, the President of the Senate, or the Chair of a Committee or Subcommittee with jurisdiction over EPA, should not be treated as FOIA requests. It is EPA's policy to accommodate Congress and to provide it Agency information necessary to satisfy its oversight and legislative interests to the extent possible and consistent with our Constitutional and statutory obligations.

EPA also should be open and accessible to Congressional staff and the press. Our goal should be to achieve accuracy and integrity in all of our communications, which will enhance public trust in the Agency. To that end, I ask that you inform your manager, the Office of Public Affairs, the Office of Congressional and Intergovernmental Relations, or Regional counterpart, as appropriate, about conversations with Congressional staff or the press carried out in the performance of your official duties.

Nothing contained in this memorandum is designed to interfere with your right to petition or to furnish information to Congress or a Member of Congress, as provided under applicable law, or to engage in protected whistleblowing activities.

Communications Generally

Finally, all communications materials produced for public dissemination should be developed in coordination with the Office of Public Affairs. This will assure consistency with EPA standards and a number of Office of Management and Budget directives on such matters.

Conclusion

I have the utmost confidence in the ability of EPA's workforce to promote full public involvement and openness in all EPA affairs. I believe this will enhance the credibility of the Agency, boost public trust in our actions and improve the quality of our decisions. I look forward to hearing any additional ideas you may have on how we can achieve this goal.

Lisa P. Jackson

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 12:29:19 PM  
**Subject:** any reactions...

...to ethanol memo?

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 1:36:14 PM  
**Subject:** revised RFS2 letter  
lifecycle letter 4-9.doc

Here's the revised RFS2 letter. Won't go out, as you say, until proposal about to be issued. But I thought I'd try to get it ready to go so we have it in hand when the proposal goes.

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 12:35:53 PM  
**Subject:** Re: Fw: Governor Kaine intelligence

# Deliberative

ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**From:** Bob Sussman/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
**Date:** 04/09/2009 08:30 AM  
**Subject:** Fw: Governor Kaine intelligence

# Deliberative

# Deliberative

# Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/09/2009 08:20 AM -----

**From:** Chuck Fox/CBP/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA  
Date: 04/08/2009 11:24 PM  
Subject: Governor Kaine intelligence

I spoke at length late this afternoon with VA's Natural Resources Secretary Preston Bryant (who oversees both EPA and natural resource programs). I told him that I wanted to check in to make sure we were still on the right path in seeking an EO and in trying to devise a way for EPA to provide minimum permitting expectations to support strong state action. I relayed that I was still working on it, but that I was running into a number of what I described as legitimate -- but somewhat bureaucratic -- challenges. I relayed some examples about the complexities of federal rulemakings, interagency/OMB reviews, the pros/cons of different policy approaches, etc. I asked him, too, what was his sense of what the Governor wanted.

**Deliberative**

**Deliberative**

He expressed his strong appreciation for the call (and even wrote me a short email thanking me again afterwards!).

I'm hoping to talk with MD Secretary Griffin tomorrow to get a read on O'Malley.

Hope this is helpful.

Chuck

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 12:30:05 PM  
**Subject:** Fw: Governor Kaine intelligence

**Deliberative**

**Deliberative**

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/09/2009 08:20 AM -----

**From:** Chuck Fox/CBP/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Date:** 04/08/2009 11:24 PM  
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Chuck

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Arvin Ganesan" [ganesan.arvin@epa.gov]; Robert Goulding" [goulding.robert@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 1:43:36 PM  
**Subject:** Re: Governor Kaine intelligence

This is fine. The briefing is on your calendar. It will offer different options for writing the EO and also present a range of strategies (regulatory and non-regulatory) for making progress on the Bay.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: "Arvin Ganesan" <ganesan.arvin@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Robert Goulding" <goulding.robert@epa.gov>  
Date: 04/09/2009 08:36 AM  
Subject: Re: Governor Kaine intelligence

**Deliberative**

----- Original Message -----

From: Bob Sussman  
Sent: 04/09/2009 08:30 AM EDT  
To: Richard Windsor; Arvin Ganesan; David McIntosh  
Subject: Fw: Governor Kaine intelligence

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/09/2009 08:20 AM -----

From: Chuck Fox/CBP/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 04/08/2009 11:24 PM  
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# Deliberative

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I'm hoping to talk with MD Secretary Griffin tomorrow to get a read on O'Malley.

Hope this is helpful.

Chuck

Dear Senator Harkin:

Thank you for your letter dated March 13, 2009, recommending that EPA not include calculations of indirect land use change in the agency's estimates of lifecycle greenhouse gas emissions in its proposed renewable fuel standard. I certainly agree, as you have expressed so well, that assessing indirect land use changes is a complicated matter. I am also eager to have a robust public dialogue on EPA's proposed approach to this complex issue. Comments like yours will be an important part of that public process.

As you know, the Energy Independence and Security Act (EISA) of 2007 requires the use of renewable fuels that reduce greenhouse gas emissions as compared to the fuels they replace. In order to meet these requirements, EISA established greenhouse gas reduction thresholds for each type of fuel mandated by the Act and established a mandatory lifecycle approach to those thresholds. The statutory direction for lifecycle analysis is provided to EPA through EISA's definition of lifecycle greenhouse gas emissions.

This definition directs EPA to include certain factors in its lifecycle analysis. It provides that the "aggregate quantity of greenhouse gas emissions" – the very quantity the lifecycle analysis is attempting to estimate – includes "direct emissions" and "significant indirect emissions." The statute specifically includes "*significant emissions from land use changes*" within the concept of indirect emissions. The statute also expressly directs EPA to determine the aggregate emissions related to the "*full*" fuel lifecycle, including "*all stages of fuel and feedstock production and distribution.*"

Thus, EPA could not lawfully ignore those emissions related to the full fuel lifecycle that occur either indirectly or overseas. Excluding indirect land use changes – whether domestic or international – from the analysis would depart from both the statutory text and from the scientific thrust of the requirement of lifecycle analysis. The purpose of including lifecycle greenhouse gas thresholds in this statutory provision is to require the use of renewable fuels that achieve reductions in greenhouse gas emissions compared to the baseline. Not including or addressing indirect emissions due to land use changes would ignore a large portion of the greenhouse gas emissions associated with the different fuels, and would result in a greenhouse gas analysis of renewable fuels that bears no relationship to the real-world emissions impact of the fuels. Likewise, drawing a distinction between greenhouse gas emissions that occur inside the U.S. as compared to emissions that occur outside the U.S. would dramatically alter the lifecycle analysis in a way that bears no relationship to the statutory text or to the apparent purpose of this provision.

EISA thus requires EPA to look broadly at lifecycle analyses and to develop a methodology that accounts for all the important factors that may significantly influence this assessment, including the secondary or indirect impacts of expanded biofuels use. In meeting this obligation, EPA's goal was to develop a reasonable estimate of these kinds of indirect emissions to allow for a sound evaluation of total greenhouse gas impacts. We extensively coordinated the development of our methodology and selection

of inputs and models with outside experts and across the federal government. After EISA's enactment in December 2007, we met frequently with the Departments of Agriculture and Energy to share our analytical plan, request feedback on our key assumptions, and provide preliminary results as they became available. In many cases, we adopted the models, inputs, and assumptions suggested by these Departments.

The indirect impacts of renewable fuel production are the result of interactions throughout the global agricultural commodity markets. To capture these impacts as specified under the mandate requires the use of economic models. As a result, EPA has turned to two long-standing, peer-reviewed agricultural sector models, known as "FASOM" and "FAPRI." FASOM has served as the basis for peer-reviewed journal articles and government reports and has been used to support previous EPA regulations. Data and assumptions used in this domestic analysis rely heavily on inputs from the Department of Agriculture and have been thoroughly vetted with government, industry and other experts.

To estimate the impacts of biofuels feedstock production on international agricultural and livestock production, we used the same methodology of assessing both direct and indirect impacts including those due to land use change. However, since FASOM is only a domestic model, we used FAPRI, a worldwide agricultural sector economic model developed by Iowa State University and the University of Missouri. Congress has used FAPRI for the last several decades to analyze its farm bill proposals. FAPRI has also been used to help examine the impacts of World Trade Organization proposals.

We believe that, together, these tools currently provide the most comprehensive, up-to-date, and scientifically supported approach to satisfying our statutory obligations. The proposed rule provides a complete description of EPA's methodology, these models, and the use of a number of sensitivity analyses to test the robustness of the results based on different assumptions. Once the proposed rule is issued – which will be shortly – we look forward to an active and constructive public dialogue on all of the elements of our proposal.

Again, thank you for your letter. I look forward to your continued feedback during this rulemaking process. If you have further questions, please contact me. Alternatively, your staff may contact Patricia Haman, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2806.

Sincerely,

Lisa P. Jackson  
Administrator

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 12:05:42 AM  
**Subject:** discussion with Fitzpatrick re IRIS

We spent 30 minutes discussing IRIS.

**Deliberative**

Thoughts? We probably need to discuss in person but I wanted to get the wheels turning.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 12:06:02 AM  
**Subject:** Fw: Ft. Meade materials  
[Mar25letter.pdf](#)  
[Ft. Meade.doc](#)

Lisa, you have a call with wayne army from dod tomorrow - ill be on it with you. The event that you're doing with cardin is out of a confirmation commitment. I'm sure you remember the details of the DoD, Epa superfund issue (fort mcguire), but attached is a memo. This call is to touch base on the fact that epa and dod are finally starting the process of working together and that since this ffa is in negotiation, details should not be shared during the event.  
Sent from my Blackberry Wireless Device

----- Original Message -----  
From: Carolyn Levine  
Sent: 04/09/2009 07:16 PM EDT  
To: Arvin Ganesan  
Subject: Ft. Meade materials

-----  
Carolyn Levine  
U.S. EPA/Office of Congressional Affairs  
(202) 564-1859  
FAX: (202) 501-1550

**To:** "Buffa, Nicole" **Personal Privacy**  
**Cc:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]  
**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/9/2009 9:05:39 PM  
**Subject:** Re: FW: travel to G-8 Environmental Ministers meeting

**Personal Privacy**  
[wachter.eric@epa.gov](mailto:wachter.eric@epa.gov)

Hi, Nikki,

Great to have you along! We originally were going out on the United flight from Dulles to Rome on Monday night and connecting on a noon flight into Catania on Tuesday morning. I believe Scott is going out early on Saturday or Sunday to assist in some preparations in advance of the meeting and that most of the delegation is returning on Saturday morning as the meeting concludes too late on Friday to be able to catch a flight back to DC from Rome. I will be traveling with the Administrator on Wednesday after her testimony on Waxman's bill. Feel free to give me a call with any questions. Thanks.

**From:** "Buffa, Nicole" **Personal Privacy**  
**To:** Eric Wachter/DC/USEPA/US@EPA  
**Date:** 04/09/2009 04:36 PM  
**Subject:** FW: travel to G-8 Environmental Ministers meeting

Hi Eric – It turns out that State found money for me to travel to the G8, which is great news. I am trying to make my travel arrangements and hoped that you could let me know when Scott Fulton would be traveling – I hear that, unlike the Administrator, Scott will be attending for the entire ministerial. Do you happen to have his itinerary? When are you traveling? Would be great to talk with you about all of this!

All my best,  
Nikki

Nikki Buffa  
Deputy Chief of Staff  
White House Council on Environmental Quality

**Personal Privacy**

**From:** Carson, Jonathan K.  
**Sent:** Tuesday, April 07, 2009 9:39 AM  
**To:** Buffa, Nicole  
**Cc:** Sutley, Nancy H.; Salzman, Amelia S.  
**Subject:** travel to G-8 Environmental Ministers meeting

I talked to Lisa Heinzerling about Nikki traveling to the G-8 summit. She doesn't think anyone at EPA would have a problem with Nikki coming with, just that they won't be able to pay for her travel.

I think we should ask State Department to cover it.

Nikki – will you ask Angela who at State she worked that out with in the last administration?

If that doesn't work, Amy can call Pershing.

Meanwhile, Nikki should also contact Eric Wachter at EPA for logistics details [wachter.eric@epa.gov](mailto:wachter.eric@epa.gov)

Jon Carson  
Chief of Staff  
Council on Environmental Quality

Office: **Personal**  
Fax: **Privacy**



OFFICE OF THE UNDER SECRETARY OF DEFENSE  
3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

ACQUISITION  
TECHNOLOGY  
AND LOGISTICS

MAR 25 2009

The Honorable Catherine McCabe  
U.S. Environmental Protection Agency  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Ms. McCabe:

Thank you for your letter of February 20, 2009 indicating your support to come to resolution on using the Fort Eustis Federal Facility Agreement (FFA) as the model for the remaining Department of Defense (DoD) installations that do not yet have agreements. DoD remains committed to work collaboratively with the EPA Regions and states to quickly complete the remaining FFAs so that we more quickly complete our cleanup activities.

I am happy to inform you that on March 4, 2009, Mr. Don Schregardus (Deputy Assistant Secretary of the Navy (Environment)) signed the Naval Computer and Telecommunications Area Master Station, Pacific (NCTAMSPAC) and Naval Air Stations (NAS) Whiting Field FFAs and forwarded them to the EPA Region and State for their signatures. The Army and Air Force are ready to meet with your regional staffs to complete negotiations immediately using the Fort Eustis FFA as the model making only site specific changes.

I appreciate that you are amenable to withdrawing the EPA administrative orders for the installation cleanups once the FFA for each installation is signed and the public comment process has been completed.

My point of contact is Ms. Maureen Sullivan, Director Environmental Management, who can be reached at (703) 695-7957.

Sincerely,

Wayne Army  
Deputy Under Secretary of Defense  
(Installations and Environment)

cc:

ASA (I&E)

SAF/IE

Director (DSS-E)

John Cruden, Deputy Assistant Attorney General



**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 12:53:26 PM  
**Subject:** Autopen question

Hi Lisa - Question for you. I have a package transmitting the TRI data release to Hill. The letters look fine to me. Ordinarily, I would hold correspondence with members set up for your signature for your review, but in this case I would recommend the autopen, as the correspondence is pro forma. You comfortable with that? Cheers, Scott

# ADMINISTRATOR'S BRIEFING

April 10, 2009

## PHONE CALL WITH WAYNE ARMY, DEPARTMENT OF DEFENSE UNDERSECRETARY FOR INSTALLATIONS AND THE ENVIRONMENT

**Duration: 15 MINUTES**

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**Date of Briefing:** April 9, 2009

**Date of Event:** April 10, 2009

**Program/Topic:** Preparation for April 14 Tour & Discussion at Ft. Meade, MD with Senator Cardin

**Names of briefing attendees: OCIR:** Arvin Ganesan

**Key Issue:** EPA HQ and DOD have agreed on a model Federal Facilities Agreement (FFA). EPA and the Army have begun to work on an FFA for Ft. Meade, and will complete it as expeditiously as possible.

### Talking Points:

Deliberative

**Purpose of April 14<sup>th</sup> Event:** Senator Cardin is hoping to highlight priority areas of the cleanup site. The Senator is initiating a discussion about the Federal Facility Agreement (FFA) with the expectation of getting all parties to agree to a signing of the FFA in the foreseeable future. It is believed that the Senator is hoping to get a renewed commitment from the Army to complete an expeditious cleanup of the site under EPA's oversight.

**Current Status of EPA-DoD Negotiations:** On March 25, 2009, Mr. Army sent a letter to Catherine McCabe, Acting AA for OECA, accepting the Ft Eustis FFA as a model. FFA negotiations have resumed, and DOI and AOC have informed EPA that they will be signators of the FFA. EPA is waiting for a decision from the Maryland Department of the Environment as to whether or not they will choose to be signators. EPA expects the Army to comply with the two remaining submission requirements of the Order by May 2009.

**EPA's Historical Involvement at Ft. Meade:** EPA listed Ft. Meade on the NPL in July 1998. CERCLA requires that federal facilities enter into an interagency agreement (i.e., a Federal

Facilities Agreement (FFA)) within 180 days after the completion of an RI/FS (i.e., the date of the first ROD for a site). EPA and the Army signed the first ROD for Ft. Meade on July 20, 1999 (Tipton Air Field Operable Unit).

- Since EPA and the Army had been unable to enter into an FFA, on August 27, 2007, EPA issued a RCRA section 7003 Unilateral Administrative Order (Order) to the Army requiring it to address all releases which may present an imminent and substantial endangerment to health or the environment at Ft. Meade and adjoining properties. After the Army exercised its opportunity to confer with the Administrator about the Order, the Order became effective on February 6, 2008.
- On May 15, 2008, DOD referred to DOJ and OMB several legal questions regarding EPA's authority to issue imminent and substantial endangerment orders at NPL sites and the terms of CERCLA FFAs. OMB did not issue a decision.
- In a December 1, 2008, letter to DOD, DOJ stated that EPA may issue an imminent and substantial endangerment order with respect to a DOD facility on the NPL where EPA has indicated that it would not issue the order if DOD executes an FFA.
- In a December 9, 2008 letter to EPA, the Army stated that it would comply with the Order.
- GAO has been tasked, by several Members of Congress, including Senator Cardin, to look into 3 NPL federal facilities which did not have FFAs in place and were also issued RCRA 7003 Orders.

**Other Key Issues:**

- In accordance with the terms of the Order, on January 21, 2009, the Army reported to EPA that off-post groundwater monitoring wells have been found to be contaminated with VOCs well above levels considered safe for drinking water.
- By letter dated January 29, 2009, EPA directed the Army to evaluate all drinking water wells within a mile of the contaminated monitoring wells.
- In addition, EPA directed the Army to evaluate the possibility of vapor intrusion into homes near the contamination

**Participants in April 14<sup>th</sup> Event:**

- Senator Ben Cardin (D-MD),
- EPA Administrator – Lisa Jackson
- Colonel John Thomas, Installation Commander Fort Meade
- Secretary Shari Wilson Maryland Department of the Environment
- Deputy Assistant Secretary of the Army Tad Davis
- Lt. Col. Greg Bowman, Office of Legislative Liaison (is this title correct?)
- John Tesner, Office of the Deputy Assistant Secretary of the Army
- Col. Daniel Thomas, Ft. Meade Installation Commander
- Congressman John Sarbanes (D-MD)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 2:43:46 PM  
**Subject:** Fw: thanks  
Hotspot

Date 04/09/2009 09:41 AM  
From "Sunstein, Cass R." [Personal Privacy]  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject thanks

Just a note of thanks for various and sundry over the last weeks – it has been absolutely terrific working with EPA. Let me know if I can be helpful with anything at any time? [Personal Privacy] is the cell. Anyway thanks much -- Cass

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 2:55:04 PM  
**Subject:** Re: Fw: thanks  
Hotspot

Clearly the man thinks very highly of you as well....

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Lisa Heinzerling" <heinzerling.lisa@epa.gov>  
**Date:** 04/10/2009 10:45 AM  
**Subject:** Fw: thanks

## Personal Privacy

----- Original Message -----

**From:** Eric Wachter  
**Sent:** 04/10/2009 10:43 AM EDT  
**To:** Richard Windsor  
**Subject:** Fw: thanks

**Date:** 04/09/2009 09:41 AM  
**From:** "Sunstein, Cass R." [Personal Privacy]  
**To:** LisaP Jackson/DC/USEPA/US@EPA  
**cc:**  
**Subject:** thanks

Just a note of thanks for various and sundry over the last weeks – it has been absolutely terrific working with EPA. Let me know if I can be helpful with anything at any time? [Personal Privacy] is the cell. Anyway thanks much -- Cass

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 8:48:43 PM  
**Subject:** ethanol waiver notice

Have received quite a few comments from OECC and OIRA. Will process and send the notice back to you early next week so you can see how it's changed.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 9:03:31 PM  
**Subject:** Re: ethanol waiver notice

?

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/10/2009 05:00 PM  
**Subject:** Re: ethanol waiver notice

Good changes

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/10/2009 04:48 PM EDT  
**To:** Richard Windsor  
**Subject:** ethanol waiver notice

Have received quite a few comments from OECC and OIRA. Will process and send the notice back to you early next week so you can see how it's changed.

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=David Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=David Cohen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Todd Atkinson/OU=DC/O=USEPA/C=US@EPA[]; N=Todd Atkinson/OU=DC/O=USEPA/C=US@EPA[]

**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 8:18:37 PM  
**Subject:** EPA,100 day Cabinet report  
2009 - EPA, document (DRAFT III) 100 day document.doc

CONFIDENTIAL

Enclosed is a draft of EPA's 100 Day Cabinet Report, developed with the able help of Todd Atkinson. We are expected to submit this report as a draft by COB Monday. We then expect feedback from the White House before developing a final version by the end of next week. The final version is likely to be available through a link on the White House Website (and perhaps on the EPA Website) so it will be public and possibly widely distributed.

We've tried to frame the Administrator's 100 day accomplishments as forcefully as possible while covering the items that the White House has asked us to address. There may be some items (like management reforms) that can be deleted because they don't add much to the 100 day story. Please comment on opportunities for deletion -- the White House envisions a document around 10 pages in length.

Also, it's very important that we correctly describe our 100 day accomplishments and don't tip our hand on emerging actions that are not yet public. Please review the document very carefully from this perspective. Wording changes and deletions are welcome.

Finally, Allyn and his team haven't had a chance to work their magic with this draft from a public affairs perspective and their input is eagerly awaited.

Thanks in advance for your feedback. Please send your comments to me and Todd.

PS -- we also need your comments on the draft transparency memo.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 9:09:33 PM  
**Subject:** Re: ethanol waiver notice

# Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/10/2009 05:05 PM  
**Subject:** Re: ethanol waiver notice

Sorry - are they good changes? OIRA was not supposed to be reviewing it I thought. Did u give it to them? Or Carol?

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/10/2009 05:03 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: ethanol waiver notice

?

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/10/2009 05:00 PM  
**Subject:** Re: ethanol waiver notice

Good changes

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/10/2009 04:48 PM EDT  
**To:** Richard Windsor  
**Subject:** ethanol waiver notice

Have received quite a few comments from OECC and OIRA. Will process and send the notice back to you early next week so you can see how it's changed.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/10/2009 11:50:06 PM  
**Subject:** Lead monitoring and CAIR Stay for Minnesota

Lisa -- I am reporting on two OAR issues and requesting your guidance.

1. Lead Monitoring Requirements. On October 15, 2008, the Bush EPA issued a revised NAAQS for lead. The new standard is ten-fold lower than the old standard and is widely viewed as health protective, including by the environmental community. At the same time, however, EPA adopted new monitoring requirements for lead which are very controversial.

**Deliberative**

# Deliberative

The monitoring requirements have been challenged judicially by environmental groups, who have also petitioned for reconsideration. (The NAAQS itself has been challenged by industry but not environmental groups). OAR would like to grant the petition for reconsideration.

# Deliberative

**Deliberative**

2. Stay of CAIR for Minnesota. The Bush Administration proposed to stay the CAIR rule for Minnesota on January 15 but this action (which was posted on the EPA Website) was not published in the FR and has been held back under the Emanuel memo. In its CAIR decision, the DC Circuit found that EPA modeling justifying the inclusion of Minnesota in the rule was flawed and set aside this portion of the rule. DOJ and OGC then made a judgment that, while Phase I of CAIR should be reinstated, the inclusion of Minnesota

was not legally supportable and promised Minnesota Power, the petitioner, that it would not seek to apply CAIR to sources in the State. The stay was intended to implement this commitment.

**Deliberative**

# Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/11/2009 8:17:03 PM  
**Subject:** Re: revised RFS2 letter

I just forgot to add it. Sorry about that.

----- Original Message -----

From: Richard Windsor  
Sent: 04/11/2009 03:00 PM EDT  
To: Lisa Heinzerling  
Subject: Re: revised RFS2 letter

Tx. But it doesn't seem to include the peer review (unless I missed it). Was that intentional? Lisa

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/09/2009 09:36 AM EDT  
To: Richard Windsor  
Subject: revised RFS2 letter

Here's the revised RFS2 letter. Won't go out, as you say, until proposal about to be issued. But I thought I'd try to get it ready to go so we have it in hand when the proposal goes.

[attachment "lifecycle letter 4-9.doc" deleted by Richard Windsor/DC/USEPA/US]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/11/2009 12:12:36 AM  
**Subject:** Re: Lead monitoring and CAIR Stay for Minnesota

**Deliberative**

thanks for the quick response and i hope the Lord smiles on all of us.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**From:** Richard Windsor/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Date:** 04/10/2009 08:09 PM  
**Subject:** Re: Lead monitoring and CAIR Stay for Minnesota

**Deliberative**

Passover and Happy Easter to your family.

Thx so much. And a Peaceful

----- Original Message -----

**From:** Bob Sussman

**Sent:** 04/10/2009 07:50 PM EDT

**To:** Richard Windsor

**Cc:** Scott Fulton; Marcia Mulkey; Eric Wachter; Robert Goulding

**Subject:** Lead monitoring and CAIR Stay for Minnesota

Lisa -- I am reporting on two OAR issues and requesting your guidance.

**Deliberative**

**Deliberative**

2. Stay of CAIR for Minnesota. The Bush Administration proposed to stay the CAIR rule for Minnesota on January 15 but this action (which was posted on the EPA Website) was not published in the FR and has been held back under the Emanuel memo. In its CAIR decision, the DC Circuit found that EPA modeling justifying the inclusion of Minnesota in the rule was flawed and set aside this portion of the rule. DOJ and OGC then made a judgment that, while Phase I of CAIR should be reinstated, the inclusion of Minnesota was not legally supportable and promised Minnesota Power, the petitioner, that it would not seek to apply CAIR to sources in the State. The stay was intended to implement this commitment.

**Deliberative**

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/11/2009 8:43:45 PM  
**Subject:** Re: revised RFS2 letter  
lifecycle letter 4-11.doc

Here's the letter with peer review in it.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/11/2009 03:00 PM  
**Subject:** Re: revised RFS2 letter

Tx. But it doesn't seem to include the peer review (unless I missed it). Was that intentional? Lisa

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/09/2009 09:36 AM EDT  
**To:** Richard Windsor  
**Subject:** revised RFS2 letter

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[attachment "lifecycle letter 4-9.doc" deleted by Richard Windsor/DC/USEPA/US]

**To:** CN=William Rice/OU=RGAD/OU=R7/O=USEPA/C=US@EPA[]  
**Cc:** "Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]; David McIntosh" [McIntosh.David@epamail.epa.gov]; ooks.craig@epa.gov;"Barry Breen" [Breen.Barry@epamail.epa.gov]; Barry Breen" [Breen.Barry@epamail.epa.gov]; Susan Hazen" [Hazen.Susan@epamail.epa.gov]  
**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/11/2009 1:15:46 AM  
**Subject:** Re: Congressman Cleaver's "Green Impact Zone" concept  
[Hotspot](#)  
[The Green Impact Zone](#)  
4:22 PM  
[Hotspot](#)  
[Green Impact Zone: Economic Stimulus](#)  
[Newer Post](#)  
[Older Post](#)  
[Home](#)  
([embedded image](#))

Thanks for info, Bill. Very interesting. I'll ensure that it gets circulation here.  
All the best, Scott

----- Original Message -----

From: William Rice

Sent: 04/10/2009 12:12 PM CDT

To: Scott Fulton

Subject: Congressman Cleaver's "Green Impact Zone" concept

Scott - I don't know if this has gotten any coverage in DC, however, I believe that the Administrator and others would be interested in the "Green Impact Zone" concept that Congressman Cleaver recently announced in Kansas City. There was an article about the this on the front page of today's Kansas City Star. The following description is from the Congressman's blog. We already have some involvement with these neighborhoods (primarily through our Environmental Justice Program); however, we will be exploring other opportunities where the Region can support this overall effort. For example, our staff are discussing our "Healthy Homes" initiative with neighborhood leaders. - Bill

Congressman's Home Page : <http://www.house.gov/cleaver/Cleaver%20Green/index.shtml>

blog: <http://emanuelcleaver.blogspot.com/2009/03/green-impact-zone.html>

Friday, March 27, 2009

The Green Impact Zone

Since the passage of the American Recovery and Reinvestment Act (ARRA), I have spent a great deal of time trying to help our community position itself in the best possible place to take advantage of this huge federal investment.

To that end, I have been meeting with community leaders, city staff, elected officials locally and Cabinet and administration officials in Washington, D.C. to advance the idea of targeting stimulus investments in a way that maximizes and deepens the impact of every dollar.

As a result of these meetings, Resolution No. 090254 has been introduced to the Kansas City Council that will target a portion of millions in stimulus funds to a hard hit area of Kansas City. We are calling the area the "Green Impact Zone."

Under this resolution the City Council commits to use a significant portion of the funds received under the ARRA for a focused area of the City bounded by 39th Street on the north, 51st Street on the south, Troost Avenue on the west and Prospect Avenue to 47th Street over to Swope Parkway on the east. Directly effected are the neighborhoods of Ivanhoe, Blue Hills, 49/63 and Manheim and Town Fork Creek, some of the City' strongest neighborhood organizations.

Through community discussions convened by the Mid-America Regional Council, an overarching goal of training and putting residents of these neighborhoods to work weatherizing every home that is eligible within the Zone has been suggested.

This is no small task, but has the potential of reducing utility bills, conserving electricity and creating sustainable jobs for a portion of our community where unemployment is hovering between 20-50 percent.

In a community where every dollar counts, reducing utility bills by half would be a significant achievement. Creating thousands of jobs would be a godsend and making neighborhoods east of Troost that have been historically last now be first should bring us all to our feet.

As the discussions of the Green Impact Zone have progressed, excitement has built and partnerships have been forged. Kansas City Power and Light has stepped up to the plate and committed that, if the city is willing to adopt this plan, KCP&L is willing to invest and deploy a "Smart Grid" in the Zone. In addition to making investments to put solar panels on newly weatherized homes, a "Smart Grid" would allow each home to receive a credit for unused solar energy that can be stored in batteries to be used for the rest of the grid. Their commitment is to create a model of the energy grid of the future unlike any in the country.

From Public Works to Parks and Recreation, both government and private dollars will be leveraged to create green sustainable jobs, enhance the neighborhoods and create a model for the rest of the nation.

This is a once in a lifetime opportunity and business as usual will not be good enough. For too long — and I am certainly guilty of perpetuating the problem — our City has drawn down federal dollars divided equally by six Council Districts and weakened the effect of the investments. We must target our funds. This Resolution No. 090254 will do just that. Those throughout the country who have the plans and are ready to go will receive the most funding. The Green Impact Zone puts us at the front of the pack.

Thus far "green" investments have been reserved for those who can afford the upfront cost. In neighborhoods like these, where the median income is less than \$20,000 a year, "greening" is simply not possible. This plan removes that burden and reduces the utility bills for those who need it most. With job training, neighborhood stabilization and infrastructure investments targeted here, "green" is no longer an academic concept for someone else — it becomes a means to change peoples lives right here in our urban core.

Let us seize this giant opportunity to create a better future and show America, when it comes to "green" we are in the lead.

Posted by Congressman Emanuel Cleaver, II at 4:22 PM

Labels: Green Impact Zone; Economic Stimulus

Newer Post Older Post Home

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/11/2009 8:35:50 PM  
**Subject:** NSPS

As I mentioned at breakfast the other day, there are three NSPS matters involving GHGs that are coming to a head. They involve (separately) petroleum refineries, cement kilns, and power plants. EPA refused to set GHG limits in revising NSPS for petroleum refineries and power plants, and did not propose to set them in the consent decree for finalizing a rule for cement kilns. With respect to petroleum refineries, EPA has granted reconsideration on part of the standard but has not answer the GHG petition for reconsideration. OGC tells me that the time for a decision on whether to include GHGs in the reconsideration is fast approaching. With respect to cement kilns, EPA has, under the consent decree, until May 31 to finalize a revised NSPS for this category. **Deliberative**

**Attorney Client**

**Deliberative** Last, as for power plants, a case challenging the non-GHG aspects of the revised NSPS for this category has been briefed and argued. Oral argument could be set at any time. **Deliberative**

**Attorney Client**

**Deliberative**

I seek your guidance on how to proceed. I know you will need more information to make a more precise decision about exactly what to do, but I would like to gauge your appetite for moving quickly on the matters discussed above. **Deliberative**

**Deliberative**

Thanks for letting me know what you think.

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
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Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]

**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/11/2009 9:27:26 PM  
**Subject:** Re: Draft LPJ Fishbowl Memo  
[Fishbowl Memo-032509-OGC Revision scf comments.doc](#)

Hi Bob -- It's looking pretty good -- much better than what we had before. I had a small number of comments, reflected in the attached. We'll need to make sure the AAs and RAs follow through on the calendar commitment so that this does not become a liability.

Cheers and thanks,  
Scott

Draft LPJ Fishbowl Memo

Bob Sussman to: Scott Fulton, Lisa Heinzerling, Ray Spears, Eric Wachter, Allyn Brooks-LaSure, David McIntosh, David Cohen, Robert Goulding, Craig Hooks, Marcia Mulkey 04/08/2009 07:40 PM

Cc: Richard Windsor

Enclosed is a draft "fishbowl" memo for the Administrator to send to all EPA employees. OGC drafted the memo and I've reviewed and revised it. It amplifies the commitment to transparency that the Administrator expressed in her confirmation hearing and "day 1" memo to the EPA workforce. If at all possible, we should finalize the memo before April 29, the 100th day of the Obama Presidency.

Similar memos were sent early on by Administrators Ruckelshaus, Thomas, Reilly and Browner but not by the three Administrators appointed by President GW Bush. The Ruckelshaus memo formed the basis for the later memos, with each Administrator repeating the original language but adding glosses of his/her own. Over time, the scope of the memo expanded while the core messages remained the same.

The enclosed draft draws on the previous memos but also builds in the Administrator's previous statements on transparency as well as the pronouncements of the President. The draft is annotated to indicate the source document we've drawn from.

Note the commitment to disclosure of the Administrator's calendar of public meetings and her directive that senior officials follow the same policy. We need to make sure that we've correctly captured current practice.

Also note that the memo addresses communications with Congress and the press. Here too, we've borrowed from previous memos. However, we should recognize that these are complex and sensitive areas which various EPA General Counsels and OECA Assistant Administrators have addressed in greater detail. I've reviewed the more detailed guidance and am comfortable with how we summarize it but others on the team should review the language closely.

If we could get comments from all of you by Monday, we will then be able to present the Administrator with a final version by mid-week. Thanks.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
[attachment "Fishbowl Memo-032509-OGC Revision.doc" deleted by Scott Fulton/DC/USEPA/US]

Dear Senator Harkin:

Thank you for your letter dated March 13, 2009, recommending that EPA not include calculations of indirect land use change in the agency's estimates of lifecycle greenhouse gas emissions in its proposed renewable fuel standard. I certainly agree, as you have expressed so well, that assessing indirect land use changes is a complicated matter. I am also eager to have a robust public dialogue on EPA's proposed approach to this complex issue. Comments like yours will be an important part of that public process.

In addition, given the fact that this is first-ever modeling of this type, I have directed my staff to seek peer review of several aspects of our analysis of indirect land use change. This peer review will be conducted concurrently with public comment on the proposed rule. In the remainder of this letter, I describe the basis for our conclusion that indirect land use change must be included in our lifecycle greenhouse gas emissions and explain the nature of our modeling effort to date.

As you know, the Energy Independence and Security Act (EISA) of 2007 requires the use of renewable fuels that reduce greenhouse gas emissions as compared to the fuels they replace. In order to meet these requirements, EISA established greenhouse gas reduction thresholds for each type of fuel mandated by the Act and established a mandatory lifecycle approach to those thresholds. The statutory direction for lifecycle analysis is provided to EPA through EISA's definition of lifecycle greenhouse gas emissions.

This definition directs EPA to include certain factors in its lifecycle analysis. It provides that the "aggregate quantity of greenhouse gas emissions" – the very quantity the lifecycle analysis is attempting to estimate – includes "direct emissions" and "significant indirect emissions." The statute specifically includes "*significant emissions from land use changes*" within the concept of indirect emissions. The statute also expressly directs EPA to determine the aggregate emissions related to the "*full*" fuel lifecycle, including "*all stages of fuel and feedstock production and distribution.*"

Thus, EPA could not lawfully ignore those emissions related to the full fuel lifecycle that occur either indirectly or overseas. Excluding indirect land use changes – whether domestic or international – from the analysis would depart from both the statutory text and from the scientific thrust of the requirement of lifecycle analysis. The purpose of including lifecycle greenhouse gas thresholds in this statutory provision is to require the use of renewable fuels that achieve reductions in greenhouse gas emissions compared to the baseline. Not including or addressing indirect emissions due to land use changes would ignore a large portion of the greenhouse gas emissions associated with the different fuels, and would result in a greenhouse gas analysis of renewable fuels that bears no relationship to the real-world emissions impact of the fuels. Likewise, drawing a distinction between greenhouse gas emissions that occur inside the U.S. as compared to emissions that occur outside the U.S. would dramatically alter the lifecycle analysis in a way that bears no relationship to the statutory text or to the apparent purpose of this provision.

EISA thus requires EPA to look broadly at lifecycle analyses and to develop a methodology that accounts for all the important factors that may significantly influence this assessment, including the secondary or indirect impacts of expanded biofuels use. In meeting this obligation, EPA's goal was to develop a reasonable estimate of these kinds of indirect emissions to allow for a sound evaluation of total greenhouse gas impacts. We extensively coordinated the development of our methodology and selection of inputs and models with outside experts and across the federal government. After EISA's enactment in December 2007, we met frequently with the Departments of Agriculture and Energy to share our analytical plan, request feedback on our key assumptions, and provide preliminary results as they became available. In many cases, we adopted the models, inputs, and assumptions suggested by these Departments.

The indirect impacts of renewable fuel production are the result of interactions throughout the global agricultural commodity markets. To capture these impacts as specified under the mandate requires the use of economic models. As a result, EPA has turned to two long-standing, peer-reviewed agricultural sector models, known as "FASOM" and "FAPRI." FASOM has served as the basis for peer-reviewed journal articles and government reports and has been used to support previous EPA regulations. Data and assumptions used in this domestic analysis rely heavily on inputs from the Department of Agriculture and have been thoroughly vetted with government, industry and other experts.

To estimate the impacts of biofuels feedstock production on international agricultural and livestock production, we used the same methodology of assessing both direct and indirect impacts including those due to land use change. However, since FASOM is only a domestic model, we used FAPRI, a worldwide agricultural sector economic model developed by Iowa State University and the University of Missouri. Congress has used FAPRI for the last several decades to analyze its farm bill proposals. FAPRI has also been used to help examine the impacts of World Trade Organization proposals.

We believe that, together, these tools currently provide the most comprehensive, up-to-date, and scientifically supported approach to satisfying our statutory obligations. The proposed rule provides a complete description of EPA's methodology, these models, and the use of a number of sensitivity analyses to test the robustness of the results based on different assumptions. Once the proposed rule is issued – which will be shortly – we look forward to an active and constructive public dialogue on all of the elements of our proposal.

Again, thank you for your letter. I look forward to your continued feedback during this rulemaking process. If you have further questions, please contact me. Alternatively, your staff may contact Patricia Haman, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2806.

Sincerely,

Lisa P. Jackson  
Administrator

**To:** windsor.richard@epa.gov[]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/12/2009 4:16:01 AM  
**Subject:** Fw: Ethics Agreement Compliance Reminder: Lisa Jackson  
[EPA Jackson, Lisa.pdf](#)  
[EPA Jackson, Lisa.doc](#)  
[khkaplan@oge.gov](mailto:khkaplan@oge.gov)

Hi - I know things are moving on this, but I wanted you to be aware that the Office of Government Ethics (OGE) had sent a reminder over regarding the need to fulfill compliance with your ethics agreement. I gather the deadline is 4/22. Note that OGC will need to submit to OGE documentation establishing compliance, which OGE describes as follows: "Divestiture Sale documents or a written statement of sale that includes the date(s) of sale."

Let me know if there is anything else I can do to help you get past this step. Hope you're having a great weekend.

All the best, Scott

----- Original Message -----

From: Pat Hirsch  
Sent: 04/10/2009 09:02 AM EDT  
To: Justina Fugh; Scott Fulton  
Subject: Fw: Ethics Agreement Compliance Reminder: Lisa Jackson

Pat Hirsch  
Acting General Counsel  
202.564.5462  
4000 Ariel Rios North

----- Forwarded by Pat Hirsch/DC/USEPA/US on 04/10/2009 09:02 AM -----

From: "Kimberley Kaplan" <khkaplan@oge.gov>  
To: Pat Hirsch/DC/USEPA/US@EPA  
Date: 04/10/2009 08:38 AM  
Subject: Ethics Agreement Compliance Reminder: Lisa Jackson

Dear Ms. Hirsch:

This is a friendly reminder that Lisa Jackson has 12 Days remaining to comply with her ethics agreement. Notice of compliance with the terms agreed to in an ethics agreement is a statutory requirement per 5 U.S.C. app. 110.

Please confirm that she has satisfied the elements of her agreement by forwarding the appropriate compliance documentation to the Office of Government Ethics by fax, email or standard mail. A full listing of the acceptable documentation that may be required is provided below. Please consult the individual's ethics agreement to determine the specific elements requiring compliance.

If you have any questions or require assistance, please don't hesitate to contact me in advance of the compliance deadline.

Sincerely,

Kim Kaplan  
U.S. Office of Government Ethics  
(202) 482-9309  
(202) 482-9238 Fax  
khkaplan@oge.gov

Element	Accepted Evidence of Compliance
Resignation	Copy of the resignation letter or a written statement that the resignation has occurred, including the resignation date
Divestiture	Sale documents or a written statement of sale that includes the date(s) of sale
208 Recusal	Screening arrangement (matters covered, name of screening individual(s), individual(s) to whom recused matters will be referred).
502 Recusal	Screening arrangement (matters covered, name of screening individual(s), individual(s) to whom recused matters will be referred).
503 Recusal	Screening arrangement (matters covered, name of screening individual(s), individual(s) to whom recused matters will be referred).
Waiver	Signed by appropriate appointing official or that officials delegate

**100-DAY CABINET REPORT**  
**ENVIRONMENTAL PROTECTION AGENCY**  
**APRIL , 2009**

**A Revitalized EPA Back on the Job**

From climate change to degradation in air and water quality, the United States faces urgent environmental challenges. After eight years of faltering progress and missed opportunities, a revitalized EPA focused on protecting health and the environment is central to President Obama's agenda.

In keeping with the President's vision, EPA Administrator Lisa Jackson has embarked on an ambitious effort to restore momentum to EPA's core air, water and waste programs while tackling new and emerging problems such as climate change. Underlying this effort is the premise that environmental protection and economic growth are mutually achievable – that we can increase economic activity and create new jobs at the same time that we cut harmful emissions and free ourselves from dependence on highly polluting sources of energy.

The first 100 days of Administrator Jackson's tenure send the clear message that EPA is back on the job. She has moved on parallel tracks to reexamine actions of the previous Administration that weakened protection of health and the environment while seizing opportunities to launch new initiatives. The accomplishments of her first hundred days are outlined below and lay the groundwork for accelerated progress in the months ahead as new initiatives come to fruition.

Hand in hand with revitalization of EPA's environmental mission is the Agency's central contribution to the President's economy recovery plan. EPA's share of economic recovery funds is over \$7 billion, dedicated to a host of job-creating projects that increase America's investment in water infrastructure, clean-up of contaminated sites and reduction of toxic emissions. As described below, EPA-funded projects are already putting Americans to work and paying large environmental dividends.

Looking toward the future, the FY 2010 Obama Administration Budget for EPA provides \$10.5 billion, the largest level of funding in EPA's 39-year history, and an increase of \$3 billion from 2008 funding levels. This budget increase will enable EPA to continue strong investments in the nation's environmental infrastructure, support our state partners and redouble our efforts to restore threatened watersheds.

**Administrator Jackson's Core Values**

*The Administrator's first 100 days have been grounded in three core values. These values will continue to inform and guide EPA's work in the months and years ahead.*

First, science must be the backbone for EPA programs. The public health and environmental laws that Congress has enacted depend on rigorous adherence to the best available science. When EPA addresses scientific issues, it should rely on the expert judgment of the Agency's career scientists and independent advisors. While the laws that Congress has written and

directed EPA to implement leave room for policy judgments, policy decisions should be based on scientific findings.

Second, EPA must follow and adhere to the rule of law. EPA is a regulatory agency and as such must have the utmost respect for Congressional mandates and judicial decisions. Under our environmental laws, EPA has room to exercise discretion, and Congress often looks to EPA to fill in the details of general policies. But this discretion must be exercised within the bounds of the law.

Finally, as president Obama has emphasized, EPA's actions must be transparent. Public trust demands that we reach out to all stakeholders fairly and impartially, that we consider the views and data presented carefully and objectively, and that we fully disclose the information that forms the bases for our decisions. On April \_\_, Administrator Jackson issued a memo to the EPA's workforce providing guidelines on how the Agency will meet this heightened commitment to transparency.

### **Protecting the Environment and Supporting Economic Recovery**

*The American Recovery and Reinvestment Act, signed into law by President Obama, provides \$7.22 billion for projects and programs administered by EPA. These programs provide an unprecedented opportunity for EPA to direct funds to our nation's most critical environmental infrastructure needs and energize our economic growth by creating and sustaining a dynamic workforce. The programs include:*

- **Water Infrastructure Improvements for Communities:** \$4 billion for Clean Water State Revolving Fund to help communities with water quality and wastewater infrastructure needs and \$2 billion for communities needs through the Drinking Water State Revolving Fund. 20 percent of this funding will be targeted towards green infrastructure, water and energy efficiency, and environmentally innovative projects. This new infusion of money will help states and local government finance many of the overdue improvements to public waters and wastewater systems that are essential to protecting public health and assuring good water quality.
- **Brownfield Restorations:** \$100 million for grants to clean up former industrial and commercial sites, returning these sites to their communities for productive use. \$3.5 million is set aside for job training in the assessment, remediation or preparation of these sites.
- **Diesel Emissions Reductions:** \$300 million for grants and loans to help regional, state and local governments, tribes, and non-profit organizations with projects that reduce diesel emissions from vehicles like school buses, garbage trucks, construction equipment, marine vessels, and locomotives. Reducing soot, sulfur, and nitrogen dioxide emissions help to reduce the risk of asthma, respiratory illnesses and premature deaths.

- **Accelerating Superfund Site Cleanups:** \$600 million for the cleanup of hazardous sites. EPA will use this funding to increase the pace of these cleanups and return the sites to our communities for productive use.
- **Accelerating Leaking Underground Storage Tank Cleanup:** \$200 million for the cleanup of petroleum leaks from underground storage tanks. There are approximately 100,000 sites eligible for cleanup where leaks threaten soil or water quality or result in fire or explosion hazards.
- **Responsible Oversight.** \$20 million for the EPA Office of Inspector General for audits, evaluations, investigations and oversight of the Recovery Act funding.
- **Financial Status to Date.** [requires updating] As of 9 April 2009, EPA has allocated more than \$6 billion to the States. Of that amount, EPA has made specific financial commitments of more than \$1.3 billion. Obligations to recipients of Recovery Act funds are approximately \$750 million.
- **Creating Needed Jobs.** [requires updating] OMB has finalized guidance on job creation and retention. EPA has not yet completed work to develop EPA-specific estimates.

Some examples of outstanding Recovery Act projects are as follows:

**Cleaner Air.** EPA announced that nearly \$100 million in environmental stimulus funding will be invested in Colorado under the Recovery Act. The announcement also recognized the first EPA-related environmental stimulus grant to be awarded in the nation; a grant of \$1.7 million for clean diesel initiatives. In addition, EPA also announced the availability of \$7.3 million for competitive clean diesel grants across EPA Region 8 – which includes the states of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming—under the Recovery Act. Reducing diesel emissions will provide vital health protections to children exposed to toxic fumes from diesel-powered school buses and at risk communities living near heavily-traveled highways with high concentrations of diesel emissions

**Cleaner Water.** In the single largest grant in its history, EPA awarded more than \$430 million to the State of New York for wastewater infrastructure projects that will create thousands of jobs, jumpstart local economies and protect human health and the environment across the state. The state will use the Recovery Act grant to provide money to municipal and county governments and wastewater utilities for projects to protect lakes, ponds and streams in communities across New York.

**Cleaner Soil.** The Iron Mountain Mine Superfund site near Redding, California, will receive funding that will make it possible to dredge, treat, and dispose of heavy-metal contaminated sediments in the Spring Creek Arm of the Kewich Reservoir in 18 months, rather than three years.

## **Restarting Environmental Progress: Implementing EPA’s Priorities**

Administrator Jackson has identified five priorities that are shaping EPA's environmental mission and reinvigorating a broad range of EPA programs. As described below, EPA is moving ahead aggressively in each of these priority areas.

### **Priority Number 1: Reducing Greenhouse Gas Emissions**

*EPA will reduce greenhouse gas emissions. The world's leading scientists have predicted notable, if not drastic, changes in the planet's climate within our lifetimes that pose a real threat to ecological stability. Transitioning to a lower-carbon economy will protect public health, create jobs and open up opportunities for investment in existing and cutting-edge technologies, creating a foundation for future growth.*

**New Mandatory Greenhouse Gas Reporting.** The EPA budget provides a \$19 million increase for the inventory and related activities that will provide crucial data for implementing comprehensive climate change programs. EPA has proposed a rulemaking that would create the first national greenhouse gas reporting system to require entities that emit more than 25,000 tons of greenhouse gas emissions each year to track, document and report emissions information to EPA on an annual basis. The proposed regulation will be tailored to exempt small businesses, yet cover 85-90 percent of all greenhouse gases emitted nationwide. EPA is convening two public hearings on this proposed rulemaking.

**California Greenhouse Gas Waiver Request.** The Clean Air Act allows the State of California to adopt more stringent motor vehicle air pollution standards with EPA approval. At the direction of President Obama, EPA is reevaluating its 2008 decision to deny the waiver request submitted by the State of California for the regulation of greenhouse gas emissions from motor vehicles.

**Endangerment of Public Health and Welfare.** In response to the April 2007 U.S. Supreme Court decision, EPA has begun to consider, using rigorous science-based analysis, whether man-made greenhouse gas emissions endanger public health and welfare and are thus subject to existing federal legal authorities.

**Prevention of Significant Deterioration of Air Quality.** Administrator Jackson has announced reconsideration of a Bush Administration decision that the "Prevention of Significant Deterioration" program, established by the Clean Air Act, does not apply to new sources of carbon dioxide emissions. The PSD program requires new major sources of pollutants (or major upgrades at existing sources) to incorporate the best available technologies in order to prevent increases in pollutants. This issue has major implications for the approval of the proposed 1,500-megawatt Desert Rock coal-fired power plant in New Mexico.

**Energy Savings for Households.** EPA issued new requirements for Energy Star computer monitors, digital photograph frames and related displays. If all displays sold in

the U.S. were to meet this standard the energy savings would reach \$1 billion a year and reduce greenhouse gases the equivalent of taking 1.5 million vehicles off the road.

## **Priority Number 2: Improving Air Quality**

*EPA will improve air quality. This nation continues to face serious air pollution challenges, with large areas of the country that still cannot meet federal air quality standards and many communities still facing the threat of toxic emissions. The science shows that people's health is at stake. EPA will move forward to close the gaps in our federal regulatory system as the science informs us and the law requires.*

**Science-Based Air Quality Standards for Particles and Ozone.** In 2006, the Bush Administration issued a health-based national air quality standard to control air pollution from fine particles (PM) in regions of the United States that fail to meet federal air quality goals. In 2009, the DC Circuit Court of Appeals ruled that the previous administration did not provide a sufficient rationale for setting a standard less stringent than that recommended by the EPA's clean air science advisory committee. EPA is now reviewing the latest science on PM to assess whether lower the standard is needed in order to protect sensitive populations with an adequate margin of safety. Similarly, EPA is reviewing the the air quality standard for ozone established by the Bush Administration in 2008, again without following the recommendations of the Agency's expert scientific advisory committee.

**Safer Schools for Kids.** In an unprecedented effort, EPA announced that 62 schools in 22 states will undergo outdoor monitoring of toxic air pollutants for a 60-day period to ensure the health and safety of school children who learn and play in urban areas or near industrial facilities. This initiative can be tracked at <http://www.epa.gov/schoolair>.

**Cleaner Air from Ocean Going Vessels.** This spring, the United States and Canada, led by EPA, became the first country to ask the International Maritime Organization to designate a 200-nautical mile buffer zone along the nation's coastline as an area where oceangoing vessels (which use particularly dirty fuels) must stringently control their air emissions. Ships dock at more than 100 ports in the United States, 40 of which are in urban areas that struggle to meet federal clean air standards. This new action if adopted is expected to lower maritime sulfur emissions by 98 percent, soot emissions by 85 percent, and nitrogen oxide emissions by 80 percent in these regions, saving 8,300 North American lives annually by 2020.

**Reducing Pollutants from New Sources.** The New Source Review (NSR) is a pre-construction permitting program to ensure air quality is maintained when factories, industrial boilers and power plants are built or modified. The program ensures that state-of-the-art emission control technology is installed at new plants or existing plants that are undergoing a major modification. EPA is actively reconsidering a range of decisions by the previous administration that changed the NSR program in a manner that risk increasing pollution and relaxing EPA oversight.

**Better Technologies for Stationary Engines.** For the first time, EPA is proposing emissions limits for formaldehyde, benzene, acrolein and other air toxics from certain stationary diesel and gas-fired engines.

**Decreasing Mercury in the Air and Water.** The DC Circuit Court of Appeals last year struck down regulations issued by the Bush Administration that removed coal-fired power plants from the legal requirement to install the strongest technologies available that can control mercury emissions into the environment. The Bush Administration asked the Supreme Court to review this decision but the Department of Justice, acting at the behest of EPA, withdrew this request and the Court then declined review. EPA is now working to comply with the court ruling by developing a new rule under Section 112 of the Clean Air Act to ensure each utility installs stringent mercury emission controls.

**Protecting Public Health from Petroleum Refinery Emissions.** The Clean Air Act requires EPA to set standards from petroleum refineries at levels sufficient to protect public health with an ample margin of safety. The Bush Administration published these standards on January 16, 2009. The Administrator has decided that these standards were based on inadequate information and that the Agency needs to collect additional information before it can be assured that public health is amply protected. The Agency will soon withdraw the Bush Administration standards as a first step in that process. Technology based standards will remain in place during this period.

### **Priority Number 3: Managing Chemical Risks**

*EPA will better manage chemical risks. More than 30 years after Congress enacted the Toxic Substances Control Act, EPA must commit to aggressively assess and manage the risks of chemicals in consumer products, the workplace, and the environment by revising and strengthening EPA's chemicals management and risk assessment programs.*

**Phase-Out of Harmful Dry Cleaning Chemicals.** EPA is reconsidering the Bush Administration decision on the regulation of the dry cleaning chemical known as perchloroethylene (or "perc"). The 2006 regulation called for a minimal phase-out of the cleaning agent that is still used at 27,000 dry cleaning facilities and is associated with respiratory problems, cancer and nervous system damage.

**Restoring American Leadership on Global Mercury Pollution Reduction.** EPA worked closely with State Department officials at the global environmental summit in Nairobi in February to pursue binding international agreements to lower mercury levels worldwide, reversing many years of U.S. opposition under the Bush Administration.

**New Screenings for Chemicals that Affect the Endocrine System.** EPA will soon announce that 67 pesticide chemicals will be the first to be analyzed by the Endocrine Disruptor Screening Program, created in 1996 to assess environmental contaminants for their potential to affect the estrogen, androgen and thyroid hormone systems.

**Better Science and Transparency on Chemical Toxicity.** In March, EPA announced a new and improved scientific approach using recent advances in molecular biology, genomics and computation sciences to assess chemical risks to human health. EPA will be able to screen thousands of chemicals quickly for levels of toxicity and potential harmful effects on both adults and children. EPA also released a new and improved online database to collect information on more than 500,000 man-made chemicals from 200 sources.

**Improving How We Assess Risk.** EPA is reviewing opportunities to streamline its Integrated Risk Information System (IRIS), which is the agency's searchable database on human health effects that may result from exposure to various substances in the environment. The Government Accountability Office (GAO) determined that actions are needed to streamline the system, increase its transparency, and improve EPA's ability to obtain health and safety information from the chemical industry.

**Restoring Comprehensive Tracking of Pollutants.** Pursuant to Congressional legislation, EPA will soon reinstate the comprehensive tracking requirements of the Toxic Release Inventory program that is required of utilities, refineries, chemical manufacturers, paper companies and related facilities for more than 650 chemicals. The reporting requirements of this program had been relaxed by the previous administration.

**Pursuing Environmental Justice.** EPA awarded 40 grants totaling \$800,000 to state, local, tribal and community groups to help low-income and minority communities that are disproportionately exposed to high levels of pollution and risk. The grants support education, inspection and abatement programs that address lead poisoning, pests, pesticide use, asbestos, and energy efficiency. This is one example of Administrator Jackson's commitment to strengthen EPA's environmental justice programs.

**Children's Health.** The Administrator has appointed a new senior advisor to the Office of Children's Health as a first step in revitalizing this important office. Children are a particularly vulnerable subset of the population where sensitivities and exposures to environmental hazards can have much greater harmful effects compared with adults.

#### **Priority Number 4: Cleaning up Contaminated Sites and Reducing Waste**

*EPA will strive to accelerate the pace of cleanup at hundreds of contaminated hazardous waste sites throughout the nation. EPA envisions communities where blighted properties are transformed into safe and productive parcels, and threats to human health are properly mitigated, leading to jobs and a reinvestment in land, communities, and citizens. EPA will improve the safety of waste management and encourage energy-saving recycling.*

**Swifter Dioxin Cleanup in Michigan.** After dispatching a high-level delegation to meet with community leaders, state and local officials, and industry, EPA is working on accelerating the pace of cleanup of dioxin contamination caused by Dow Chemical Company in a watershed near Lake Huron. Dioxins are highly toxic compounds that pose serious risks to human health and the environment.

**Accelerated Superfund Cleanups at Federal Sites:** The EPA budget provides \$1.3 billion for cleanup activities, and proposes to reinstate excise taxes and will collect more than \$1 billion beginning in FY 2011 to cleanup the nation's most contaminated sites. In March, EPA reached agreement with the Department of Defense ending a longtime dispute and moving forward with effective and efficient cleanups at 10 remaining Air Force and Army Superfund sites. EPA also worked with the Department of Energy to accelerate Superfund cleanup commitments at more than a dozen DoE sites across the country would be met in FY 2009 and FY 2010. The acceleration was facilitated by about \$6 billion in new Recovery Act funding for the Department of Energy sites. Before the recent collaboration and additional funding, a number of cleanup commitments were at risk at several sites where funds had been cut over the past several years.

**Protecting Communities from Inadequate Management of Coal Waste.** In December 2008, an impoundment failure led to a massive coal ash landslide at the Kingston facility of the Tennessee Valley Authority, flooding more than 300 acres of land, damaging homes and property, filling large areas of the Clinch and Emory rivers and killing fish. Upon confirmation, EPA Administrator Lisa Jackson immediately announced a strategy to prepare for future threats. This strategy includes launching an inventory of approximately 300 coal ash impoundments nationwide, and, where warranted, conducting on-site inspections and assessments of the structural integrity of such impoundments, ordering cleanup and repairs where needed. The cornerstone of these efforts is the EPA announcement that new regulations will be developed before the end of the year that will address the management of coal combustion residuals to ensure that future such environmental disasters are prevented. EPA is also active engaged to overseeing cleanup efforts at the TVA facility, immediately becoming involved in sampling and assessment activities, and initiating negotiations with TVA under EPA administrative authorities to help ensure, in coordination with state action, that the ash removal and disposal is conducted in a manner that protects public health and the environment.

**National Cell Phone Recycling Week.** EPA teamed up with leading cell phone makers, service providers, and retailers to launch this national campaign April 6-12 to encourage Americans to recycle or donate their unwanted personal cell phones, personal digital assistants (PDAs) and accessories. Currently, only about 10 percent of unwanted cell phones are recycled each year. Recycling the 100 million cell phones that are no longer used annually would save enough energy to power more than 18,000 U.S. households for a year.

## **Priority Number 5: Protecting America's Water**

*EPA will restore water quality protections in our nation's streams, rivers, lakes, bays, oceans and aquifers. EPA will make robust use of its authority to restore threatened treasures such as the Great Lakes and the Chesapeake Bay, for addressing neglected urban rivers, to strengthen*

*drinking water safety programs, and reducing pollution from non-point and industrial discharges.*

**Modernizing Water Infrastructure for Communities.** The EPA FY 2010 budget provides \$3.9 billion, a historic increase, for Clean Water State Revolving Fund and Drinking Water State Revolving Fund grants for states and local governments to finance many of the overdue improvements to public waters and wastewater systems that are essential to protecting public health and assuring good water quality.

**Improving Water Security.** The EPA budget provides \$24 million to fully fund all five Water Security Initiatives in response to the Bioterrorism Act of 2002.

**Greater Scrutiny of Water Quality Impacts from Mountaintop Mining.** EPA has initiated a comprehensive review of Clean Water Act permitting for new surface coal mining activities affecting water quality and the environment. EPA is also prioritizing the review of individual permits that have the greatest potential to result in environmental harm. EPA will continue to review these permits, and where pending permits raise environmental concerns, EPA intends to work expeditiously with the Corps of Engineers to address those concerns. EPA is participating in an interagency process through CEQ to develop new policies to reduce environmental impacts from mountaintop mining.

**Addressing Perchlorate in Drinking Water.** Perchlorate, an ingredient of rocket fuel, has been detected in the drinking water of 35 states and is linked with inhibiting iodine uptake in the thyroid as well as interfering in the development of the fetus. Under the previous administration, the EPA delayed decisions on whether to regulate perchlorate, an action that was criticized by the EPA Office of the Inspector General and the Government Accountability Office. EPA Administrator Lisa Jackson has pledged to actively revisit this issue and address perchlorate in drinking water.

**Restoring the Scope of Clean Water Act.** Administrator Jackson has directed the Agency to begin a comprehensive evaluation of administrative options to restore Clean Water Act Act protections for the nation's streams, rivers and wetlands impacted by recent Supreme Court interpretations in SWANCC and Rapanos. EPA is also coordinating with Congress by providing technical assistance to efforts to prepare legislation designed to restore the geographic scope of the Clean Water Act.

**New Restoration Efforts for the Great Lakes.** The FY 2010 EPA budget provides \$475 million for a new, multi-agency initiative to protect the world's largest fresh water resource from environmental threats including invasive species, non-point source pollution, habitat degradation, and contaminated sediment. EPA is actively working with other federal agencies and states to design this high-priority initiative.

**Improving the Health of the Chesapeake Bay.** In response to constituent concerns regarding federal attention to the Chesapeake Bay, EPA Administrator, Lisa Jackson, has created a new position at EPA headquarters and selected a highly regarded Chesapeake

Bay expert as her senior advisor for this nationally significant water body. EPA is actively developing a new Chesapeake Bay strategy.

**Terminating Excessive Fees for Water Permits.** EPA withdrew the Voluntary Permit Fee Rule, issued by the previous administration, designed to provide financial incentives for states to use fees when administering a clean water permit program, the National Pollutant Discharge Elimination System programs. Funds will instead be allocated to states under an existing grant formula.

## **Vigorous Enforcement of Environmental Laws**

*Administrator Jackson is committed to strong enforcement of the nation's environmental laws. On her watch, the Agency has taken several significant enforcement actions which reaffirm the paramount importance of compliance assurance.*

- U.S. v. Louisiana Generating. On February 18, 2009, the United States filed a complaint against Louisiana Generating, alleging that the company violated the New Source Review provisions of the Clean Air Act by operating the Big Cajun 2 Power Plant, a coal-fired power plant in New Roads, Louisiana, without installing and operating modern pollution control equipment after the generating units had undergone major modifications. Louisiana Generating has not yet filed an answer to the complaint.
- U.S. v. Westar. The United States filed a complaint against Westar Energy, Inc. on February 4, 2009, alleging that the company violated the Clean Air Act by making major modifications to the Jeffrey Energy Center, a coal-fired power plant in St. Marys, Kansas, without also installing and operating modern pollution control equipment. Westar's answer is due April 6, 2009.
- U.S. v. Cinergy. The United States is continuing to pursue its Clean Air Act New Source Review enforcement action against Cinergy, which is now part of Duke Energy. The original action was filed in 1999. A jury found Cinergy liable for violations at its Wabash River coal-fired power plant, located in Indiana. Trial and post-trial briefing on the appropriate remedies for those violations have been completed, and the parties are awaiting the court's decision.
- U.S. v. Kentucky Utilities. On February 3, 2009, the United States lodged, for public comment, a proposed consent decree that will resolve Kentucky Utilities' liability for violations of the Prevention of Significant Deterioration provisions of the Clean Air Act at the E.B Brown coal-fired power plant in Kentucky. The company has agreed to install \$135 million in control equipment, pay a \$1.4 million penalty, and perform \$3 million in environmental mitigation projects.
- U.S. v. BP Exploration (Alaska) Inc. EPA and the Department of Transportation (DOT) filed a civil complaint against BP Exploration (Alaska) Inc. (BPXA) for violations of the

Clean Air and Clean Water Acts—including the illegal discharges of more than 200,000 gallons of crude oil from its pipelines onto the North Slope of Alaska—and failing to comply in a timely manner with a DOT Order under federal pipeline safety laws. The United States is asking the court to order BPXA to take all appropriate action to prevent future violations and to pay civil penalties. This civil action follows a guilty plea by BPXA on Nov. 29, 2007, to one count of criminal negligent discharge of oil to the waters of the United States in violation of the Clean Water Act.

- US v. BP Products North America. On February 10, 2009, the United States lodged, for public comment, a proposed consent decree that will resolve the company's noncompliance with a 2001 consent decree and Clean Air Act regulations at BP's Texas City, Texas petroleum refinery. The settlement requires BP to spend more than \$161 million on pollution controls and other injunctive relief, as well as pay a \$12 million civil penalty and spend \$6 million on a supplemental project to reduce air pollution in Texas City.
- U.S. v. Commonwealth Utility Corporation and the Commonwealth of Northern Mariana Islands. On March 11, 2009, the U.S. District Court for the Northern Mariana Islands entered stipulated orders for a settlement with the Commonwealth Utility Corporation (CUC) and the Commonwealth of Northern Mariana Islands. The settlement addresses Clean Water Act sanitary sewer overflow violations and Safe Drinking Water Act violations. CUC agreed to make upgrades to its sewage collection system and wastewater and drinking water treatment facilities, an estimated cost of \$300 - 400 million, to eliminate millions of gallons of raw sewage overflows and address serious drinking water violations.
- U.S. v. City of Akron, Ohio. On February 5, 2009, the United States filed a Clean Water Act complaint against the city of Akron asserting claims that the city's combined sewer overflows pollute waters in violation of Akron's discharge permit.

## **Outreach and Accessibility**

*Administration Jackson is committed to strengthening the public trust when shaping environmental laws. She has reached out to key constituencies and stakeholders within the first 100 days of the Administration to ensure greater transparency and promote a more fluid and accessible exchange of ideas and input on EPA policy formation.*

- Administrator Jackson's first public address as Administrator was to environmental justice advocates, community leaders and stakeholders from New York City and other parts of the nation at a groundbreaking 2-day conference around issues of climate change and environmental justice organized by West Harlem Environmental Action, Inc.
- EPA and the Administrator have been highly accessible to state and local elected and appointed officials, as well as associations representing these groups. She has met often with these officials, both in large group settings and individually, to discuss key administration priorities such as climate change and ARRA.

- Administrator Jackson addressed key members of the US Conference of Mayors. She also addressed over 3,000 local elected officials during the March meeting of the National League of Cities in Washington, D.C. She emphasized her strong commitment to partnering with local governments to address sustainability, climate change, water infrastructure, and the implementation of ARRA. The Administrator has also met or spoken privately with several local officials on a variety of issues.
- Administrator Jackson has met with eight governors and several state environmental commissioners. In addition, the Administrator has participated in several high-level state meetings, including a Climate Change and Energy Meeting with nine governors (in conjunction with the National Governors Association Winter meeting - February 2009), and the Environmental Council of States (ECOS) Spring Meeting (March 2009). The ECOS meeting was attended by approximately 200 people, including representatives of 40 state environmental agencies and two Canadian provinces.
- Administrator Jackson met with the National Congress of American Indians in Washington, DC. She emphasized EPA's commitment to strengthening its government-to-government relationship with tribes and the importance of tribal inclusion in policy development. She also recognized the unique cultural knowledge of tribes and its role in improving environmental health.
- Administrator Jackson addressed the National Association of State Departments of Agriculture (NASDA) at their 2009 Mid-Year Legislative Conference. NASDA represents the commissioners of agriculture in the 50 states and 4 territories. The Administrator discussed her priorities and goals on environmental issues affecting agriculture. Along with Administrator Jackson, USDA Secretary Tom Vilsack spoke to NASDA about USDA priorities for this Administration. Both Administrator Jackson and Secretary Vilsack emphasized continued communication and collaboration between EPA and USDA.
- The Administrator and other senior EPA officials have met here in Washington with environment ministers and top climate change advisers from various countries (including Canada, Mexico, the UK, Australia, China, Norway, and the EU) in response to numerous requests for information on the Agency's role with respect to global warming and other major international environmental issues.

## **EPA Management Reforms to Raise Efficiency and Reduce Costs**

*EPA is making major strides in reducing costs and improving the efficiency of agency operations, lowering cost burdens both on the agency and the stakeholder community.*

**Computer Room Server and Storage Management.** EPA currently manages more than 100 computer rooms and/or closets in 96 buildings located in 48 states. The varied technical environment and the organizational distribution of the Computer Room Server and Storage Management (CRSSM) services across the Agency have resulted in multiple service providers, a large amount of operations and business process heterogeneity, functional redundancy, and

increased labor costs. CRSSM consolidation will result in an organization whose performance exceeds that of comparable providers through implementation of management controls, processes, and systems that are consistent with prevailing best practices.

With this initiative, EPA will make the existing IT infrastructure more efficient, and reduce costs by approximately 20-25% over a 7 year period. This will be accomplished by streamlining existing computer room servers and storage infrastructure.

**Grants Management Line of Business (GM LoB).** EPA is replacing the outdated system it uses (the Integrated Grants Management System) for awarding and managing grants, and moving grants information technology (IT) services to a Grants Management Line of Business (GMLoB) Service Center. The GMLoB is a multi-agency initiative sponsored by the Office of Management and Budget (OMB) under Public Law 106-107. The initiative's objectives are to promote citizen access, improve customer service, standardize and streamline grants business processes, and reduce costs by consolidating the grants IT infrastructure.

Migrating to the GMLoB is expected to cost the Agency 50 percent less than building a replacement grants management system, with a one-time cost avoidance of approximately \$5 million. Operations and maintenance costs are expected to decrease by 20 to 30 percent as the fixed costs of the service center are allocated across a greater number of transactions. It offers a more comprehensive portfolio of functions, increasing business process automation for EPA employees. It also improves EPA service to recipients by offering them on-line ability to monitor their grants and submit post award reports; reduce recipient costs by standardized processes across agencies that will also reduce administrative burden from inconsistent requirements.

**Centers of Excellence for Watershed Management.** The Centers of Excellence for Watershed Management program in EPA Region 4 (Atlanta, GA) grew from the idea that universities and colleges could provide low-cost, practical products and services to help communities identify water quality problems and develop sustainable solutions. The Centers are hosted by the University of Georgia, the University of Tennessee and their NGO partner, Cumberland River Compact, Clemson University, Auburn University, and Alabama A & M. Working in collaboration with EPA and local watershed stakeholders, these institutions and organizations enhance water quality, promote local citizen accountability, and develop solutions for water issues affecting natural resources and economic sustainability. The Centers also work together as a network to reduce duplication of effort and costs, as well as maximize the synergies of innovative scientific and policy expertise.

The use of in-house expertise and student talent reduces the economic burden on cash strapped local governments and watershed groups, as well as EPA. If EPA awarded individual grants to each community rather than use a Center, the estimated cost would be several million dollars, not including the agency resources needed to manage these grants. The annual estimated cost avoidance for local communities and the federal government is between \$3.7 million and \$13 million. The Regional office expects to designate several additional centers by the end of 2010.

**Monitoring Wastewater Discharges.** Clean Water Act discharge permittees are required to report to authorized states or to EPA the results of monthly monitoring of their wastewater discharges. EPA's Office of Enforcement and Compliance Assurance runs a quality assurance program that tests the capability of the laboratories that analyze those wastewater samples. Under the program, permittees are asked to certify that the laboratories they use participate in the quality assurance studies and report results to the state discharge monitoring coordinator or EPA. Several changes are being made to the program that will reduce burden on permittees, state regulators who manage the program, and private test providers who sell the test samples and grade them. First, the use of test results from another laboratory testing program will be accepted in this program to avoid duplication of effort. Second, the reporting process has been redesigned to reduce the administrative work for test providers and permittees. Finally, states can utilize existing state laboratory certification programs that include the laboratories providing results for the discharge monitoring program to meet the requirements of this program.

EPA estimates these changes could result in national savings of at least \$4.5 million and the elimination of the need for an additional 5 states and about 1200 permittees to participate in the discharge monitoring program. All of this will occur with an expectation of no reduction in EPA's assurance of the quality of laboratory performance for Clean Water Act related work.

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**To:** "M. Allyn Brooks-LaSure" [mabl@brooks-lasure.com]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/11/2009 10:47:49 PM  
**Subject:** Re: WashPost Article

Not a bad story . . .not a good one ..... this certainly isn't a serious look at the issues raised by MTM . . . if the point is that EPA hasn't shown all its cards, so what . . .insofar as there's criticism, it's really at the WH for not having its act together

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**From:** "M. Allyn Brooks-LaSure" <mabl@brooks-lasure.com>  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
**Date:** 04/11/2009 11:07 AM  
**Subject:** WashPost Article

Future Grows More Hazy For Mountaintop Mining  
EPA's Fluctuating Messages Concern W.Va. Residents  
By David A. Fahrenthold  
Washington Post Staff Writer  
Saturday, April 11, 2009; B01

ETHEL, W.Va. -- In one of the deepest, steepest corners of Appalachia, where the most important industry is shearing mountains down to flat-top stumps, everybody wants the same answer.

What did Washington just do?

About two weeks ago, the Environmental Protection Agency seemed poised to crack down on the "mountaintop" coal mines that are common in this region, which industry officials say would threaten thousands of jobs. The EPA said it had "significant concerns" about the mines -- in which peaks are legally blasted off to get at coal seams inside -- because neighboring streams are buried under displaced rock. But later that day, the EPA suddenly seemed to play down its own worries, saying it thought the bulk of the projects would "not raise environmental concerns."

The episode has been seen as an early unsteady attempt by a White House with environmental ambitions to confront one of its most vexing problems: polluting, carbon-heavy, economically vital coal.

This week, EPA Administrator Lisa P. Jackson -- making her first public comments about the letters -- said her agency did not intend to send a mixed message. She said that the EPA was not trying to stop all mountaintop removal but that it "is going to do its job" in checking 150 to 200 projects for environmental impact.

"This was not about making any kind of value judgment on a practice of mining," Jackson said in an interview. "This is about science. And what the law tells us to do is review these permits."

But here in southern West Virginia, the EPA's moves have left a powerful sense of uncertainty about the future of mountaintop mining. People also see this issue as a microcosm of the nation's ambivalence about coal.

"We don't have a clue" what the federal government is planning, said Roger Horton, a truck driver at a West Virginia mine who heads the group Citizens for Coal. "We want clarity. To do this, to me, is inhumane."

As Washington has become more focused on climate change, coal has become something like the new tobacco: publicly reviled, at least by some, but still deeply embedded in the economy. Coal produces dirty water when it is mined and greenhouse gases when it is burned, but it also accounts for about half of U.S. electric power, and coal mining provides about 82,000 jobs.

What happens here, in the heart of mountaintop-mining country, might be considered coal's unfiltered version.

"You know 'Almost heaven, West Virginia'? Well, now it's 'Almost level, West Virginia,'" said Teresa Perdue, 50, a resident of Ashford, W.Va., who has spoken out against mountaintop removal. Perdue was looking down at a vista that once included a rounded mountain and a valley, Bull Creek Hollow.

But the peak was blasted and scooped away by heavy machinery to get at thin seams of coal near the surface. Excess rock was dumped into the valley. The resulting landscape was flatter and browner, with plenty of bare rock. "Who said it's okay to bury streams, it's okay to cut the tops off mountains to get coal?" Perdue said. She still takes senior photos for local high-schoolers there, but now she has to crop the photos tighter: The background has an unnatural amount of sky, at least for West Virginia.

Some environmentalists think the science is overwhelming that mountaintop mining is harmful. Pro-coal people think the economy trumps everything: "There's nothing to replace [coal] right now," said Jim Taylor, a 73-year-old with long, white George Jones sideburns who manages a hydraulic and machine repair shop in Logan, W.Va. Sitting in front of a former service station in Blair, W.Va., Carlos Gore, 57, a mountaintop mining opponent, said previous experience shows that mining companies usually win: "They take the rules, and they bend it and twist it like a pig's tail."

Mountaintop mining is also called "mountaintop removal," although in most cases, rock is piled up to re-create the mountain's contours and replanted with grass and trees. The practice is centered in eastern Kentucky and southern West Virginia, although there are some mines in Tennessee, southeast Ohio and southwest Virginia. At the EPA's last count, in 2001, the mines' "valley fills" had buried 724 miles of stream valleys, about 1.2 percent of the region's total.

The industry says the mines produce about 10 percent of the country's coal. Last year, a Washington Post analysis found that the area's coal-burning power plants purchased 32 percent of their fuel from surface mines in this region, which often involve mountaintop mining.

Lately, mountaintop mining's opponents had been on a losing streak. In December, the Bush administration approved a rule that environmentalists said would make it easier to dump waste rock near streams. And in February, a U.S. appeals court rejected environmental groups' challenges to certain mining permits.

Then, on March 24, EPA officials released two letters that had been sent to the U.S. Army Corps of Engineers, which handles permits for valley fills. The letters said that two mines -- one here near Ethel and the other in Pike County, Ky. -- could harm aquatic life in the buried valleys and downstream. It sent three more letters this week, expressing concerns about valley fills at a mine in southwest Virginia and two in West Virginia.

To the coal-industry, it looked like a torpedo, aimed at mountaintop mining.

"EPA: End Production in America," said Chris Hamilton, a vice president at the West Virginia Coal Association. He said it is wrong that in a worldwide economic crisis, "here we're almost trying to find a way to force these, you know, mining jobs to go elsewhere."

In her interview with The Post, Jackson said that the EPA had just begun to review these permit applications and that although "the sense right now is that the vast majority of them are not significant" concerns, she could not predict the final outcome. She said that the White House Council on Environmental Quality has convened officials from the EPA, the Army Corps of Engineers and other federal agencies to talk about the future of mountaintop mining more generally.

In Logan County, W.Va., County Commission President Art Kirkendoll said he was worried that the EPA will eventually turn against coal mining in general, which would remove his area's economic bedrock. He said each mining job supports six or seven jobs in other sectors -- and provides another valuable service in a highly vertical area.

"We need this flat land" to build new factories and stores on, Kirkendoll said. "For our county, it's everything."

A few miles away, though, the town of Ethel -- nearest the mine that the EPA singled out -- shows that, although

coal mines have long made this area work, they have never made it rich. Ethel is a string of mobile homes along a narrow valley floor, with the most prominent building a decades-dead Methodist church, with tablecloths still on the tables and a loaf of bread turning to dust in a dark hall.

Across the street, a rock the diameter of a large pizza and six inches thick slammed into 81-year-old Madelena Hanshaw's bedroom while she slept. Hanshaw thought it might have been dislodged from a vast mining site just over the next hill.

"I don't sleep good of a night. I just take pills," Hanshaw said. "I moved into the living room. I sleep there now."  
Staff photographer Michael Williamson contributed to this report.



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

April 10, 2009

Patricia Hirsch  
Principal Deputy General Counsel & DAEO  
Environmental Protection Agency  
Mail Code 2377A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Ms. Hirsch:

This is to follow up on the first reminder letter your agency received from OGE regarding recent political appointees with ethics agreements.

Within the next **12 days**, the following appointee's time period to comply with her ethics agreement will expire. Please ensure that the appointee has satisfied the elements of her ethics agreement by 4/22/2009 and notify OGE by this date about the status of compliance. All compliance documentation should be forwarded to OGE no later than **5/7/2009**.

<u>Appointee</u>	<u>Confirmation Date</u>	<u>COMPLIANCE EXPIRATION DATE</u>
<b>Jackson, Lisa</b>	January 22, 2009	<b>4/22/2009</b>

Should you have any questions or require assistance please call **Kim Kaplan** at **202-482-9309** or email her at **khkaplan@oge.gov**.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Zemple".

Patricia Zemple  
Associate Director  
Program Services Division

**MEMORANDUM**

**SUBJECT:** Transparency in EPA's Operations

**TO:** All EPA Employees

In my testimony before the Senate Committee on Environment and Public Works and in my January 23, 2009, memorandum to all employees, I expressed my commitment to uphold the values of transparency and openness in conducting EPA operations. President Obama recently said in a memorandum to agency heads: "Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset." I am asking each one of you to help me ensure EPA operates in full compliance with this principle. .

In 1983, then Administrator William Ruckelshaus promised that under his leadership, EPA would operate "in a fishbowl." I wish to reaffirm this commitment and take the opportunity to provide guidelines about how we will ensure transparency in our interactions with all members of the public.

The success of our environmental efforts depends on earning and maintaining the trust of the public we serve. To do this, we must conduct business with the public openly and fairly. These guidelines are intended to ensure the fairness and openness of our procedures and thus strengthen public confidence in our decisions. I am relying on EPA employees to use their common sense and good judgment to conduct themselves with the kind of openness and integrity that alone can guarantee public trust in EPA.

**General Principles**

In all its programs, EPA will provide for the fullest possible public participation in decision-making. This requires not only that EPA remain open and accessible to those representing all points of view, but also that EPA offices responsible for decisions take affirmative steps to solicit the views of those who will be affected by these decisions, including communities of color, Native Americans, people disproportionately impacted by pollution, small businesses, cities and towns working to meet their environmental responsibilities, and others who have been historically underrepresented in EPA decision making. EPA will not accord privileged status to any special interest, nor will it accept any recommendation or proposal without careful, critical examination.

### Appointment Calendars

To keep the public fully informed of my contacts with interested persons, I have directed that a copy of my appointment calendar showing meetings with members of the public be provided to the EPA Office of the Executive Secretariat where it will be available to the public at the end of each week. I also direct other senior Agency officials, including the Deputy Administrator, the Assistant Administrators, and the Regional Administrators, to make their appointment calendars available to the public in a similar fashion.

### Freedom of Information Act Policy

As President Obama has stated, the Freedom of Information Act (FOIA) should be administered with a clear presumption that openness prevails. All agency personnel should ensure that this principle of openness is applied to the extent possible when responding to a FOIA request. Managers should give their staffs and the Agency's FOIA professionals the support needed to satisfy FOIA's transparency requirement in as timely and efficient a manner as possible. In accordance with guidance issued by Attorney General Holder on March 19, 2009, EPA offices should exercise their discretion in favor of disclosing documents whenever possible under the FOIA. Offices should assert an exemption to disclosure only where the Agency reasonably foresees that disclosure would harm an interest protected by an exemption or disclosure is prohibited by law. Offices should also take steps to make information public on the Agency's website without waiting for a request from the public to do so. More detailed FOIA implementation procedures will be provided in the near future to assist you in carrying out this important government responsibility.

Because EPA is a public regulatory agency and employer to about 18,000 employees, EPA staff may come into possession of certain information that may need to be protected from disclosure under FOIA, including certain contract or business data, trade secrets, or personal privacy information. Although the Agency's business is to be conducted in an open and accountable manner, we must also ensure that information entitled to special protection is handled with the utmost care and in full compliance with all applicable laws and regulations. Questions about whether special protections apply to certain information should be directed to the Office of General Counsel's General Law Office.

### Rulemaking Proceedings

In rulemaking proceedings under the Administrative Procedure Act and other similar procedural provisions, EPA should ensure that the basis for the Agency's decision appears in the rulemaking record. Therefore, each EPA employee should ensure that (1) all written comments regarding a proposed rule received from members of the public, including regulated entities and interested parties, are entered into the rulemaking docket; and (2) a brief memorandum summarizing any significant new factual information likely

to affect the final decision received during a meeting, including a meeting with a member of the public or an interested group, or other conversation concerning the proposed rule is placed in the rulemaking docket.

EPA offices conducting rulemaking are encouraged to reach out as broadly as possible for views to assist in arriving at final rules. This should be done in a manner that ensures, as far as practicable, that final decisions are taken on the basis of information or views that have been disclosed to members of the public in a timely manner. While EPA may meet individually with interested groups and individuals, employees should attempt, to the maximum extent practicable, to provide all interested persons with an equal opportunity to meet with EPA. Questions about how to handle comments and other communications regarding a proposed rule should be directed to the appropriate program office personnel, attorneys in the Office of General Counsel or regional staff working on the specific rulemaking.

I am committed to fulfilling President Obama's direction to agency heads to make use of tools and technology to increase outreach and interaction with the public. Public participation in Agency rulemaking proceedings may take a variety of forms, including public hearings and meetings, workshops, forums, focus groups, surveys, roundtables, Federal Register notice-and-comment procedures, advisory committee meetings, informal meetings with interested parties, internet-based dialogues, and other opportunities for informal dialogue, consistent with the requirements of the Paperwork Reduction Act (PRA), the Federal Advisory Committee Act (FACA), and other laws.

#### Litigation and Formal Adjudication

EPA is engaged in a wide range of litigation, both enforcement and defensive in nature. While we must work openly, fairly, and in accordance with all legal requirements, we must also protect privileged litigation and enforcement-sensitive information from unauthorized disclosure. Communication with parties involved in litigation with EPA about that litigation should be through an attorney representing EPA in the case. Program personnel who receive inquiries about pending litigation from persons who are not parties to the litigation must consult with an attorney representing EPA in the case before responding. If you do not know which attorneys are representing EPA in a specific case, contact the Office of General Counsel, the Office of Enforcement and Compliance Assurance, or an Office of Regional Counsel, as appropriate.

Formal adjudications (including certain administrative penalty proceedings and pesticide cancellation proceedings) are governed by specific requirements concerning *ex parte* communications (*i.e.*, communications other than through counsel), which appear in the various EPA rules governing those proceedings. Information about these rules is available from the Office of General Counsel and on the EPA Intranet.

#### Contacts with Congress and the Press

DRAFT -- PRIVILEGED

Requests for records or information from Congress, ie., the Speaker of the House, the President of the Senate, or the Chair of a Committee or Subcommittee with jurisdiction over EPA, should not be treated as FOIA requests. It is EPA's policy to accommodate Congress and to provide it Agency information necessary to satisfy its oversight and legislative interests to the extent possible and consistent with our Constitutional and statutory obligations.

EPA also should be open and accessible to Congressional staff and the press. Our goal should be to achieve accuracy and integrity in all of our communications, which will enhance public trust in the Agency. To that end, I ask that you inform your manager, the Office of Public Affairs, the Office of Congressional and Intergovernmental Relations, or Regional counterpart, as appropriate, about conversations with Congressional staff or the press carried out in the performance of your official duties.

Nothing contained in this memorandum interferes with your right to petition or to furnish information to Congress or a Member of Congress, as provided under applicable law, or to engage in protected whistleblowing activities.

#### Communications Generally

Finally, all communications materials produced for public dissemination should be developed in coordination with the Office of Public Affairs. This will assure consistency with EPA standards and a number of Office of Management and Budget directives on such matters.

#### Conclusion

I have the utmost confidence in the ability of EPA's workforce to promote full public involvement and openness in all EPA affairs. I believe this will enhance the credibility of the Agency, boost public trust in our actions and improve the quality of our decisions. I look forward to hearing any additional ideas you may have on how we can achieve this goal.

Lisa P. Jackson



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

April 10, 2009

Patricia Hirsch  
Principal Deputy General Counsel & DAEO  
Environmental Protection Agency  
Mail Code 2377A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Ms. Hirsch:

This is to follow up on the first reminder letter your agency received from OGE regarding recent political appointees with ethics agreements.

Within the next **12 days**, the following appointee's time period to comply with her ethics agreement will expire. Please ensure that the appointee has satisfied the elements of her ethics agreement by 4/22/2009 and notify OGE by this date about the status of compliance. All compliance documentation should be forwarded to OGE no later than **5/7/2009**.

<u>Appointee</u>	<u>Confirmation Date</u>	<u>COMPLIANCE EXPIRATION DATE</u>
<b>Jackson, Lisa</b>	January 22, 2009	<b>4/22/2009</b>

Should you have any questions or require assistance please call **Kim Kaplan** at **202-482-9309** or email her at **khkaplan@oge.gov**.

Sincerely,

Patricia Zemple  
Associate Director  
Program Services Division

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
Cohen/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=David Cohen/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
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Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
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Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
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Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/12/2009 5:23:09 PM  
**Subject:** Re: Draft LPJ Fishbowl Memo  
[Fishbowl Memo-032509-OGC Revision.MABL.doc](#)

Thanks for taking the lead, Bob. I have added a few thoughts in a couple of areas -- namely OPA affairs. The clarification for the public schedule is that a working version of LPJ's public schedule is posted each day. On the heels of this memorandum going out -- I will send guidance to communications staff throughout the agency for how we carry out this directive (posting working schedules for the AA's and

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Let me know if you have questions regarding any of my changes.

MABL.

-----

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

From: Bob Sussman/DC/USEPA/US

To: Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA

Cc: Richard Windsor/DC/USEPA/US@EPA

Date: 04/08/2009 07:40 PM

Subject: Draft LPJ Fishbowl Memo

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Note the commitment to disclosure of the Administrator's calendar of public meetings and her directive that senior officials follow the same policy. We need to make sure that we've correctly captured current practice.

Also note that the memo addresses communications with Congress and the press. Here too, we've borrowed from previous memos. However, we should recognize that these are complex and sensitive areas which various EPA General Counsels and OECA Assistant Administrators have addressed in greater detail. I've reviewed the more detailed guidance and am comfortable with how we summarize it but others on the team should review the language closely.

If we could get comments from all of you by Monday, we will then be able to present the Administrator with a final version by mid-week. Thanks.

Robert M. Sussman

Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

[attachment "Fishbowl Memo-032509-OGC Revision.doc" deleted by Allyn Brooks-LaSure/DC/USEPA/US]

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David Cohen/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 1:45:06 PM  
**Subject:** assume u've seen this

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WHO:

David Doniger, Climate Center Policy Director, Natural Resources Defense Council

David Bookbinder, Chief Climate Counsel, Sierra Club

Emily Figdor, Federal Global Warming Program Director, Environment America

Joe Mendelson, Global Warming Policy Director, National Wildlife Federation (moderating)

Dr. Amanda Staudt, Climate Scientist, National Wildlife Federation

WHEN: Tuesday, April 14, 2009. 11:00 AM.

WHERE: Via Teleconference. 800-791-2345, code 58418. Credentialed media only.

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/12/2009 5:31:25 PM  
**Subject:** Re: Draft LPJ Fishbowl Memo

**Deliberative**

**Deliberative**

**From:** Allyn Brooks-LaSure/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Craig Hooks/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
**Date:** 04/12/2009 01:23 PM  
**Subject:** Re: Draft LPJ Fishbowl Memo

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MABL.[attachment "Fishbowl Memo-032509-OGC Revision.MABL.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-iasure.allyn@epa.gov

From: Bob Sussman/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA  
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Date: 04/08/2009 07:40 PM  
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Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
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**To:** CN=David Cohen/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 1:50:08 PM  
**Subject:** Re: assume u've seen this

Yes. There is a meeting later today -- which may provide a little more clarity on timing issues. Once known, we will slowly let some air out of these tires. We've already begun quietly doing so with reporters.

MABL.  
-----

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

**From:** David Cohen/DC/USEPA/US  
**To:** Allyn Brooks-LaSure/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
**Date:** 04/13/2009 09:44 AM  
**Subject:** assume u've seen this

Newswise — Tuesday, April 14, Environmental leaders will hold a telephone press briefing to provide background on the upcoming Environmental Protection Agency announcement (expected on the 16th) that global warming pollution constitutes a danger to the public health and welfare. EPA is expected to declare its authority to hold polluters accountable under the Clean Air Act. The decision, ordered by the Supreme Court in 2007 and based upon years of scientific research and analysis, has the potential to significantly alter energy politics and policy. Environmental leaders say it will spur clean energy jobs and protect public health and welfare.

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Dr. Amanda Staudt, Climate Scientist, National Wildlife Federation

WHEN: Tuesday, April 14, 2009. 11:00 AM.

WHERE: Via Teleconference. 800-791-2345, code 58418. Credentialed media only.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 3:47:39 PM  
**Subject:** Fw: Letter to Administrator Jackson from US Senators  
[EPW-09-0185.pdf](#)

FYI, expedition of the RFS

Robert Goulding  
Director of Operations  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-4700  
(f) 202-501-1450

\*Please consider the environment before printing this e-mail  
----- Forwarded by Robert Goulding/DC/USEPA/US on 04/13/2009 11:46 AM -----

From: "Majors, Heather (EPW)" <Heather\_Majors@epw.senate.gov>  
To: Robert Goulding/DC/USEPA/US@EPA  
Date: 04/13/2009 11:42 AM  
Subject: Letter to Administrator Jackson from US Senators

Attached please find a letter to Administrator Jackson from Senators Boxer, Carper, Inhofe, Vitter, Sanders, Merkley, Voinovich and Alexander. Please confirm receipt of this email and attachment.

Thank you.

Heather Majors  
Majority Staff  
U.S. Senate Environment and Public Works Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510  
202.224.8832  
202.224.1273 Fax

**MEMORANDUM**

**SUBJECT:** Transparency in EPA's Operations

**TO:** All EPA Employees

In my testimony before the Senate Committee on Environment and Public Works and in my January 23, 2009, memorandum to all employees, I expressed my commitment to uphold the values of transparency and openness in conducting EPA operations. President Obama recently said in a memorandum to agency heads: "Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset." I am asking each one of you to help me ensure EPA operates in full compliance with this principle. .

The success of our environmental efforts depends on earning and maintaining the trust of the public we serve. The American people will not trust us to protect their health or their environment if they do not trust us to be transparent and inclusive in our decision-making. To earn this trust, we must conduct business with the public openly and fairly.

In 1983, then Administrator William Ruckelshaus promised that under his leadership, EPA would operate "in a fishbowl." I wish to reaffirm this commitment and take the opportunity to provide guidelines about how we will ensure transparency in our interactions with all members of the public. These guidelines are intended to maintain the fairness and openness of our procedures and thus strengthen public confidence in our decisions. I am relying on EPA employees to use their common sense and good judgment to conduct themselves with the openness and integrity which alone can ensure public trust in EPA..

**General Principles**

In all its programs, EPA will provide for the fullest possible public participation in decision-making. This requires not only that EPA remain open and accessible to those representing all points of view, but also that EPA offices responsible for decisions take affirmative steps to solicit the views of those who will be affected by these decisions, including communities of color, native Americans, people disproportionately impacted by pollution, small businesses, cities and towns working to meet their environmental responsibilities, and others who have been historically underrepresented in EPA decision

making. EPA will not accord privileged status to any special interest, nor will it accept any recommendation or proposal without careful, critical examination.

### Appointment Calendars

To keep the public fully informed of my contacts with interested persons, I have directed that a working copy of my appointment calendar, showing meetings with members of the public, be provided to the EPA Office of Public Affairs where it will be available to the public each day on the EPA website. I also direct other senior Agency officials, including the Deputy Administrator, the Assistant Administrators, and the Regional Administrators, to make their working appointment calendars available to the public in a similar fashion.

### Freedom of Information Act Policy

As President Obama has stated, the Freedom of Information Act (FOIA) should be administered with a clear presumption that openness prevails. All agency personnel should ensure that this principle of openness is applied to the extent possible when responding to a FOIA request. Managers should give their staffs and the Agency's FOIA professionals the support needed to satisfy FOIA's transparency requirement in as timely and efficient a manner as possible. In accordance with guidance issued by Attorney General Holder on March 19, 2009, EPA offices should exercise their discretion in disclosing documents whenever possible under the FOIA. Offices should assert an exemption to disclosure only where the Agency reasonably foresees that disclosure would harm an interest protected by an exemption or disclosure is prohibited by law. Offices should also take steps to make information public on the Agency's website without waiting for a request from the public to do so. More detailed FOIA implementation procedures will be provided in the near future to assist you in carrying out this important government responsibility.

Because EPA is a public regulatory agency and employer to about 18,000 employees, EPA staff may come into possession of certain information that may need to be protected from disclosure under FOIA, including certain contract or business data, trade secrets, or personal privacy information. Although the Agency's business is to be conducted in an open and accountable manner, we must also ensure that information entitled to special protection is handled with the utmost care and in full compliance with all applicable laws and regulations. Questions about whether special protections apply to certain information should be directed to the Office of General Counsel's General Law Office.

### Rulemaking Proceedings

In rulemaking proceedings under the Administrative Procedure Act and other similar procedural provisions, EPA should ensure that the basis for the Agency's decision appears in the rulemaking record. Therefore, each EPA employee should ensure that (1) all written comments regarding a proposed rule received from members of the public, including regulated entities and interested parties, are entered into the rulemaking docket; and (2) a brief memorandum summarizing any significant new factual information likely to affect the final decision received during a meeting or other conversation concerning the proposed rule is placed in the rulemaking docket.

EPA offices conducting rulemaking are encouraged to reach out as broadly as possible for views to assist in arriving at final rules. This should be done in a manner that ensures, as far as practicable, that final decisions are taken on the basis of information or views that have been disclosed to members of the public in a timely manner. This means that EPA employees must summarize in writing and place in the rulemaking docket any oral communication regarding a proposed rule that contains significant new factual information, including a meeting with a member of the public or an interested group. While EPA may meet individually with interested groups and individuals, employees should attempt, to the maximum extent practicable, to provide all interested persons with an equal opportunity to meet with EPA. Questions about how to handle comments and other communications regarding a proposed rule should be directed to the appropriate program office personnel, attorneys in the Office of General Counsel or regional staff working on the specific rulemaking.

I am committed to fulfilling President Obama's direction to agency heads to make use of tools and technology to increase outreach and interaction with the public. Public participation in Agency rulemaking proceedings may take a variety of forms, including public hearings and meetings, workshops, forums, focus groups, surveys, roundtables, Federal Register notice-and-comment procedures, advisory committee meetings, informal meetings with interested parties, internet-based dialogues, and other opportunities for informal dialogue, consistent with the requirements of the Paperwork Reduction Act (PRA), the Federal Advisory Committee Act (FACA), and other laws.

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#### Communications Generally

Finally, all communications materials produced for public dissemination should be developed and distributed in coordination with, and at the direction of, the Office of Public Affairs. This will assure consistency with EPA standards and a number of Office of Management and Budget directives on such matters.

#### Conclusion

I have the utmost confidence in the ability of EPA's workforce to promote full public involvement and openness in all EPA affairs. I believe this will enhance the credibility of the Agency, boost public trust in our actions and improve the quality of our decisions. In short, we will let more sunlight into our Agency. I look forward to hearing any additional ideas you may have on how we can achieve this goal.

DRAFT -- PRIVILEGED

Lisa P. Jackson

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 3:47:45 PM  
**Subject:** list of climate-related activities  
[GHG timeline.doc](#)

It's a big list.

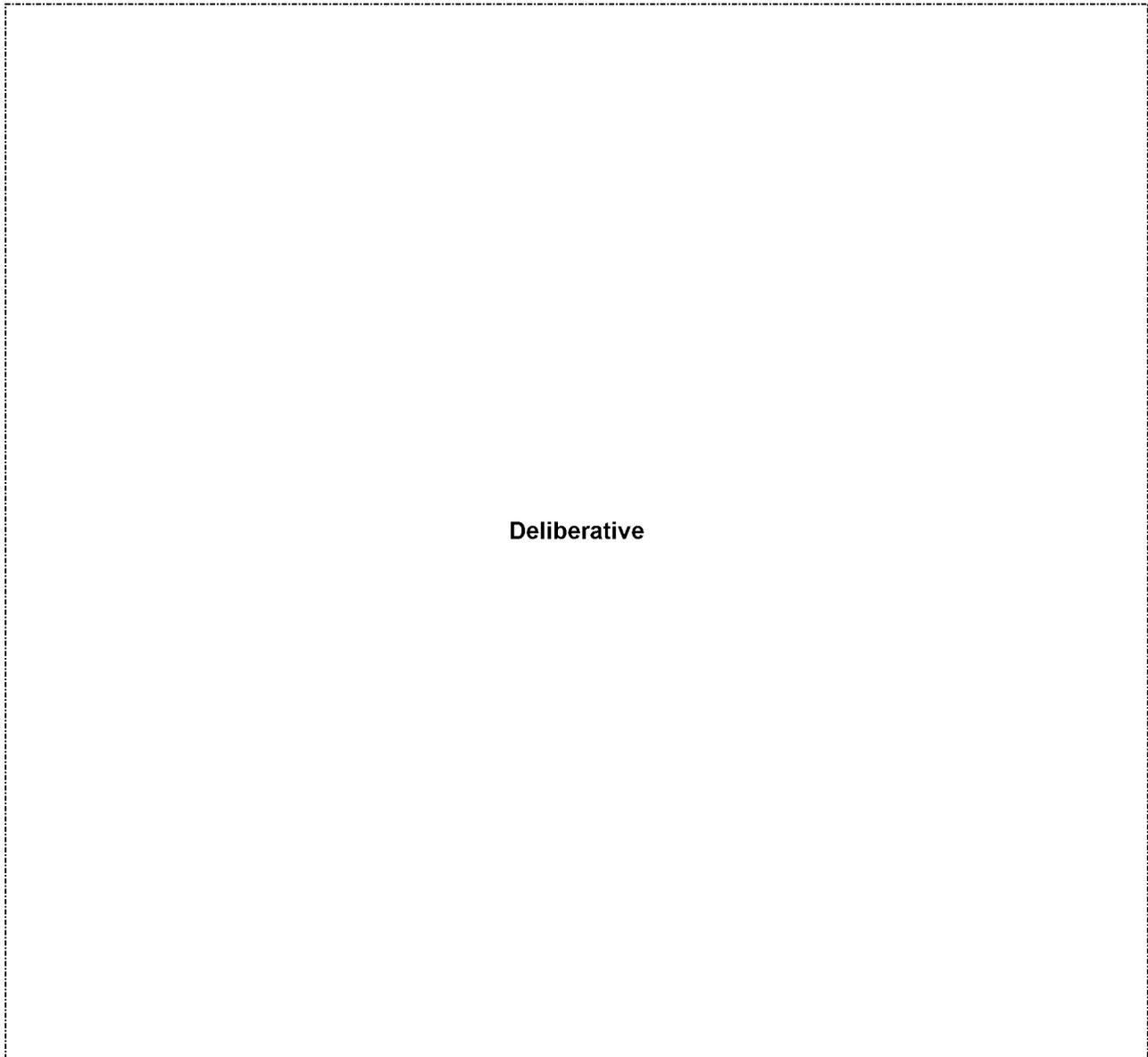
**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 4:49:58 PM  
**Subject:** "ecstatic" is the word

Margo and Sarah wanted me to convey the message to you that they and their teams were not only happy about the RFS2 result, but "ecstatic."

Please do not mistake my own occasional expressions of frustration with process for staff's views about results. Career staff are extremely happy about the results so far achieved. (So am I.)

GHG timeline (dates in parentheses are tentative):

Major actions:



**Deliberative**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 5:53:15 PM  
**Subject:** endangerment

has passed OMB review

!

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 5:38:32 PM  
**Subject:** HFCs and Montreal Protocol

Hi Lisa -- Did you ever get a chance to email Todd Stern about the possibility of adding HFCs to the Montreal Protocol? Seems to make quite a lot of sense (existing, successful treaty regime; same stakeholders; familiarity with issues, etc.). And deadline for submitting amendment to Protocol is May 4. -- ?? -- Thanks -- Lisa

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 7:09:18 PM  
**Subject:** Re: "ecstatic" is the word

Yes

----- Original Message -----

From: Richard Windsor  
Sent: 04/13/2009 02:59 PM EDT  
To: Lisa Heinzerling  
Subject: Re: "ecstatic" is the word

Thx. We must always remind each other how important what we model outwardly is to staff. Margo and Sara and Dina and Rob are probably the exceptions but the majority of the career staff take their cues from us.

From: Lisa Heinzerling/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/13/2009 12:50 PM  
Subject: "ecstatic" is the word

Margo and Sarah wanted me to convey the message to you that they and their teams were not only happy about the RFS2 result, but "ecstatic."

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MAX BAUCUS, MONTANA  
THOMAS R. CARPER, DELAWARE  
FRANK R. LAUTENBERG, NEW JERSEY  
BENJAMIN L. CARDIN, MARYLAND  
BERNARD SANDERS, VERMONT  
AMY KLOBUCHAR, MINNESOTA  
SHELDON WHITEHOUSE, RHODE ISLAND  
TOM UDALL, NEW MEXICO  
JEFF MERKLEY, OREGON  
KRISTEN GILLIBRAND, NEW YORK

JAMES M. INHOFE, OKLAHOMA  
GEORGE V. VOINOVICH, OHIO  
DAVID VITTER, LOUISIANA  
JOHN BARRASSO, WYOMING  
ARLEN SPECTER, PENNSYLVANIA  
MIKE CRAPO, IDAHO  
CHRISTOPHER S. BOND, MISSOURI  
LAMAR ALEXANDER, TENNESSEE

BETTINA POIRIER, STAFF DIRECTOR  
RUTH VAN MARK, MINORITY STAFF DIRECTOR

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

April 13, 2009

Mr. Peter Orszag  
Director  
Office of Management and Budget  
Eisenhower Executive Office Building  
1650 Pennsylvania Ave., NW  
Washington, DC 20503

Dear Director Orszag:

We are writing to you with regard to the Environmental Protection Agency's (EPA) forthcoming Notice of Proposed Rulemaking for implementation of the updated Renewable Fuels Standard (RFS) which was enacted in the Energy Independence and Security Act of 2007 (P.L. 110-140). For purposes of ensuring certainty in the market, we urge you to complete your review of this Notice of Proposed Rulemaking expeditiously so that it may be published for public comment.

As you know, Section 211 of the Clean Air Act gives the EPA the responsibility for ensuring that gasoline sold in the United States contains a specified aggregate volume of renewable fuel mandated by a Renewable Fuel Standard. In the Energy Independence and Security Act of 2007, Congress not only greatly expanded the RFS, but also explicitly required the EPA to include an analysis of the affected fuels' "direct [greenhouse gas] emissions and significant indirect emissions." Congress also strengthened the Clean Air Act Sec. 211(f)(4) waiver process to require an EPA rulemaking process subject to public notice and comment in order to ensure that any increase in the ethanol blend limit would not "cause or contribute to the failure of any air emissions device" and increase air pollution or pose consumer safety risks. These requirements reflect Congress' understanding that depending on how they are produced renewable fuels can provide environmental benefits, or, in some cases, have adverse environmental impacts.

It is our understanding that the EPA has proposed a rule for implementation, including a method for calculating the emissions associated with some biofuels as a result of direct and indirect land-use changes. The best way to ensure that the EPA is using a transparent process and the best science and economics, is through the public comment that will follow publication of the proposal.

While we recognize these new provisions are both complicated and consequential, we believe we cannot afford further delay. Timeliness and certainty are critical to putting a workable renewable fuels program in place by January 2010 and for investments in second generation technology, infrastructure, and production. That is why the timely publication of the Notice of Proposed Rulemaking is so important.

Thank you in advance for moving quickly to address our concerns and allowing EPA's proposed rule to go out for public comment.

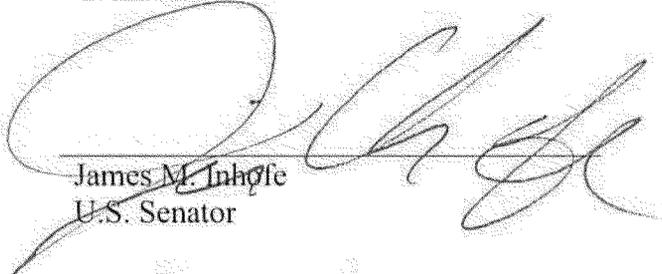
Sincerely,



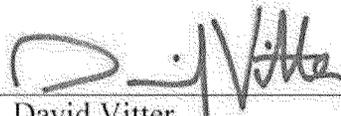
Barbara Boxer  
U.S. Senator



Tom Carper  
U.S. Senator



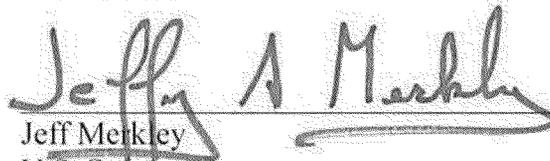
James M. Inhofe  
U.S. Senator



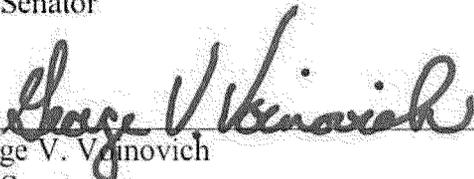
David Vitter  
U.S. Senator



Bernard Sanders  
U.S. Senator



Jeff Merkley  
U.S. Senator



George V. Voinovich  
U.S. Senator



Lamar Alexander  
U.S. Senator

Cc:

Ms. Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency

Mr. Tom Vilsack  
Secretary  
U.S. Department of Agriculture

Ms. Carol Browner  
Assistant to the President  
for Energy & Climate Change

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 9:52:46 PM  
**Subject:** federal register notice on ethanol waiver  
E15FRnoticeforcomment final 4-13.doc

Attached.

Incorporates, as appropriate, comments from OMB and OECC. (There is no substantive difference between changes in red and green.)

Arvin is set to do outreach before this goes out on Wednesday.

To: "Milakofsky, Benjamin E." Personal Privacy Lu, Christopher  
P." Personal Privacy Hurlbut, Brandon K."  
Personal Privacy

Cc: CN=Todd Atkinson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
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LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
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N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
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N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-

LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Ray Spears/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 8:29:35 PM  
**Subject:** Re: Reminder: draft 100-day Report  
2009 - EPA document (DRAFT IV) 100 day document.doc  
[bmilakofsky@who.eop.gov](mailto:bmilakofsky@who.eop.gov)

Attached is EPA's draft 100-day Report. We await your comments. It would be helpful if you could let us know when we should expect comments and the target date we should look to for finalization.

Ray E. Spears, Esq.  
Deputy Chief of Staff  
Office of the Administrator (1101A)  
(202) 564-4715  
(202) 501-3202 FAX

From: "Milakofsky, Benjamin E." <[Personal Privacy]>  
To: "Lu, Christopher P." <[Personal Privacy]> "Smith, Elizabeth S." <[Personal Privacy]>  
<[Personal Privacy]> "Kimball, Astri B." <[Personal Privacy]> "Hurlbut,  
Brandon K." <[Personal Privacy]> "French, Michael J." <[Personal Privacy]>  
<[Personal Privacy]> "Milakofsky, Benjamin E." <[Personal Privacy]>  
Date: 04/13/2009 03:05 PM  
Subject: Reminder: draft 100-day Report

Dear Cabinet Chiefs of Staff:

A friendly reminder that the draft 100-Day Report is due today. Please send your completed report to Ben Milakofsky at [bmilakofsky@who.eop.gov](mailto:bmilakofsky@who.eop.gov)

We have attached the template that was circulated a few weeks ago.

Please let us know if you have any questions.

--Cabinet Affairs

[attachment "100daystemplate.doc" deleted by Ray Spears/DC/USEPA/US]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 9:57:05 PM  
**Subject:** Re: "ecstatic" is the word

It's possible I've given you the impression that I'm dour with staff. I'm actually not.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/13/2009 02:59 PM  
**Subject:** Re: "ecstatic" is the word

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**From:** Lisa Heinzerling/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Date:** 04/13/2009 12:50 PM  
**Subject:** "ecstatic" is the word

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**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/14/2009 1:35:46 PM  
**Subject:** ethanol waiver notice

Is the notice I sent to you yesterday ok? If so, we can get it ready to go tomorrow. Arvin is set to do outreach beforehand.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/14/2009 1:37:43 PM  
**Subject:** Re: ethanol waiver notice

Great. Thanks.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/14/2009 09:37 AM  
**Subject:** Re: ethanol waiver notice

It is. Thx.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/14/2009 09:35 AM EDT  
**To:** Richard Windsor  
**Subject:** ethanol waiver notice

Is the notice I sent to you yesterday ok? If so, we can get it ready to go tomorrow. Arvin is set to do outreach beforehand.

**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-OAR-2009-0211; FRL - ]**

Notice of Receipt of a Clean Air Act Waiver Application to Increase the Allowable Ethanol Content of Gasoline to 15 Percent; Request for Comment

**AGENCY:** Environmental Protection Agency (EPA)

**ACTION:** Notice.

**SUMMARY:** On March 6, 2009, Growth Energy and 54 ethanol manufacturers submitted an application for a waiver of the prohibition of the introduction into commerce of certain fuels and fuel additives set forth in section 211(f) of the Clean Air Act (“the Act”). This application seeks a waiver for ethanol-gasoline blends of up to 15 percent by volume ethanol (“E15”). The statute directs the Administrator of EPA to grant or deny this application within 270 days of receipt by EPA, in this instance December 1, 2009. In this Notice, EPA is soliciting comment on all aspects of the waiver application, including whether a waiver is appropriate for ethanol-gasoline blends over 10 percent and less than 15 percent.

**Dates:** Written comments must be received on or before [insert 30 days after publication in the Federal Register].

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2009-0211, by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.
- E-mail: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).
- Fax: (202) 566-1741.

- Mail: Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2009-0211, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two copies.
- Hand Delivery: EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2009-0211. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of

encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*How Can I Access the Docket?*

EPA has established a public docket for this application under Docket ID No. EPA-HQ-OAR-2009-0211, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the EPA/DC Docket Center Public Reading Room, 1301 Constitution Avenue, NW., Room 3334, Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is 202-566-1742.

Use [www.regulations.gov](http://www.regulations.gov) to obtain a copy of the waiver request, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

**FOR FURTHER INFORMATION CONTACT:** James W. Caldwell, Office of Transportation and Air Quality, Mailcode: 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9303; fax number: (202) 343-2802; email address: [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Statutory Background*

Section 211(f)(1) of the Act makes it unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for use by any person in motor vehicles manufactured after model year 1974 which

is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. EPA last issued an interpretive rule on the phrase “substantially similar” at 73 FR 22281 (April 25, 2008).

Section 211(f)(4) of the Act provides that upon application by any fuel or fuel additive manufacturer, the Administrator may waive the prohibitions of section 211(f)(1) if the Administrator determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or a specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards to which it has been certified pursuant to sections 206 and 213(a) of the Act. In other words, the Administrator may grant a waiver for a prohibited fuel or fuel additive if the applicant can demonstrate that the new fuel or fuel additive will not cause or contribute to engines, vehicles or equipment failing to meet their emissions standards over their useful life. The statute requires that the Administrator shall take final action to grant or deny the application, after public notice and comment, within 270 days of receipt of the application.

The current statute reflects changes made under the Energy Independence and Security Act of 2007 which explicitly extended the section 211(f)(4) waiver provision to nonroad engines and nonroad vehicles, extended the period allowed for consideration of the waiver application from 180 days to 270 days and deleted a provision that resulted in a waiver becoming effective by operation of law if the Administrator made no decision within 180 days. The 1978 waiver for 10 percent ethanol in gasoline (“E10”) became effective under the previous provision when no

decision was made by the Administrator regarding the waiver application and the waiver became effective by operation of law after passage of 180 days.

*Context of Growth Energy's Waiver Application*

On March 6, 2009, Growth Energy and 54 ethanol manufacturers submitted a waiver application to the Administrator, pursuant to section 211(f)(4) of the Act, for ethanol-gasoline blends containing up to 15 percent ethanol by volume ("E15").

Growth Energy maintains that under the renewable fuel program requirements of the Energy Independence and Security Act of 2007, which is now primarily satisfied by the use of ethanol in motor vehicle gasoline, there exists a "blend barrier" or "blendwall" by which motor vehicle gasoline in the U.S. essentially will become saturated with ethanol at the 10 volume percent level very soon. Growth Energy maintains that a necessary first step is to increase the allowable amount of ethanol in motor vehicle gasoline up to 15 percent (E15) in order to delay the blendwall. Other ways of delaying the blendwall could include adding more stations offering E85 blends and bringing in the renewable fuel mandate specified in the Energy Independence and Security Act of 2007. For its part, Growth Energy claims that the blendwall will make those renewable fuel mandates unreachable and that there are substantial environmental benefits associated with higher ethanol blends.

Growth Energy states in its waiver application that its supporting studies and extensive experience with ethanol support a conclusion that E15 will not cause or contribute to the failure of an emission control system such that the engine or vehicles fails to achieve compliance with its emission standards. In addition to the information that Growth Energy submitted, EPA is aware that several interested parties are investigating the impact that mid-level blends (e.g., E15 or E20) may have on vehicles and equipment. These testing programs are evaluating emissions

impacts as well as other types of impacts (i.e. catalyst, engine, and fuel system durability, and onboard diagnostics) on vehicles and equipment. The Department of Energy, working in conjunction with the Coordinating Research Council and other interested parties, is leading a substantial testing effort. Results from this program to date are referenced in Growth Energy's waiver request, and we expect additional data will be added to the docket as it becomes available.

One potential outcome at the end of our process, after reviewing the entire body of scientific and technical information available to us, may be an indication that a fuel up to E15 could meet the criteria for a waiver for some vehicles and engines but not for others. Some vehicles and engines may be more susceptible to emission increases or durability problems that cause or contribute to these vehicles or engines failing to meet their emissions standards. Assuming the criteria are met for a certain subset of vehicles, one interpretation of section 211(f)(4) is that the waiver could be approved in part for only that subset of vehicles or engines for which testing supports its use and for which adequate conditions or other measures could be implemented to ensure its proper use.

Another potential outcome is a conclusion that ethanol blends of greater than 10 percent, but less than 15 percent, warrant a waiver. To take such action, the Agency would need similar evidence, such as emissions durability testing, as what would be needed to address a waiver for a 15 percent blend.

Any approval, either fully or partially, is likely to elicit a market response to add E15 blends to E10 and E0 blends in the marketplace, rather than replace them. Thus consumers would merely have an additional choice of fuel.

Experience in past fuel programs has shown that even with consumer education and fuel implementation efforts, there sometimes continues to be public concern for new fuel requirements. Several examples include the phasedown of the amount of lead allowed in gasoline in the 1980s and the introduction of reformulated gasoline (RFG) in 1995. Some segments of the public were convinced that the new fuels caused vehicle problems or decreases in fuel economy. Although substantial test data proved otherwise, these concerns lingered in some cases for several years. As a direct result of these waiver experiences, EPA wants to be assured that prior to granting a waiver, sufficient testing has been conducted to demonstrate the compatibility of a waiver fuel with engine, fuel and emission control system components.

EPA has previously granted waivers with certain restrictions or conditions, including requirements that precautions be taken to prevent using the waiver fuel as a base fuel for adding oxygenates, that certain corrosion inhibitors be utilized when producing the waiver fuel, and that waiver fuels meet voluntary consensus-based standards such as those developed by the American Society for Testing and Materials (ASTM). In a partial waiver for fueling certain types of vehicles or engines, the condition placed on the fuel manufacturer would be that the fuel is only used in certain vehicles or engines (i.e. E15 is only used in the subset of vehicles or engines identified in the partial or conditional waiver). EPA recognizes that there may be legal and practical limitations on what a fuel manufacturer may be required or able to do to ensure compliance with the conditions of the waiver, including preventing misfueling. EPA has not previously imposed this type of “downstream” condition on the fuel manufacturer as a condition for obtaining a section 211(f)(4) waiver. EPA does, however, have experience with compliance problems occurring when two types of gasoline have been available at service stations. Beginning in the mid-1970s with the introduction of unleaded gasoline and continuing into the

1980s as leaded gasoline was phased out, there was significant intentional misfueling by consumers. At the time most service stations had pumps dispensing both leaded and unleaded gasoline and a price differential as small as a few cents per gallon was enough to cause some consumers to misfuel.

*Request for Comments*

EPA invites public comments and data on all aspects of the waiver application that will assist the Administrator in determining whether the statutory basis for granting the waiver request for ethanol-gasoline blends containing up to E15 has been met. EPA specifically requests comment and data that will enable EPA to:

- (a) evaluate whether an appropriate level of scientific and technical information exists in order for the Administrator to determine whether the use of E15 will not cause or contribute to a failure of any emission control device or system over the useful life of any motor vehicle or motor vehicle engine (certified pursuant to section 206 of the Act) to achieve compliance with applicable emission standards;
- (b) evaluate whether an appropriate level of scientific and technical information exists in order for the Administrator to determine whether the use of E15 will not cause or contribute to a failure of any emission control device or system over the useful life of any nonroad vehicle or nonroad engine (certified pursuant to section 206 and 213(a) of the Act) to achieve compliance with applicable emission standards; and,
- (c) evaluate whether an appropriate level of scientific and technical information exists in order for the Administrator to grant a waiver for an ethanol-gasoline blend greater than 10 percent and less than or equal to 15 percent by volume.

EPA also requests comment on:

(d) all legal and technical aspects regarding the possibility that a waiver might be granted, in a conditional or partial manner, such that the use of up to E15 would be restricted to a subset of gasoline vehicles or engines that would be covered by the waiver, while other vehicles or engines would continue using fuels with blends no greater than E10. EPA seeks comment on what measures would be needed to ensure that the fuel covered by the waiver (i.e. a partial or conditional waiver) is only used in that subset of vehicles or engines. EPA acknowledges that the issue of misfueling would be challenging in a situation where a conditional waiver is granted. To the extent a partial or conditional waiver may be appropriate, please provide comments on the legal and technical need for restrictions of this nature. Comments are also requested on how the Agency might define a partial or conditional waiver. For example, assuming there is sufficient technical basis, should the subset of vehicles or engines that is allowed to use the waived fuel be defined by model year of production, engine size, application (e.g., highway vehicle vs. nonroad engine), or some other defining characteristic.

(e) Any education efforts that would be needed to inform the public about the new fuel that would be available if a waiver is granted. To address the possibility of a grant of a conditional or partial waiver, the Agency requests specific comments on public education measures that would be needed if the waiver allowed the fuel to be used only in a subset of existing vehicles or engines.

Commenters should include data or specific examples in support of their comments in order to aid the Administrator in determining whether to grant or deny the waiver request.

In order for any testing programs evaluating emissions impacts, as well as other types of impacts (i.e. catalyst, engine, and fuel system durability, and onboard diagnostics), to be the

most useful in EPA's evaluation of Growth Energy's waiver application, any mid-level ethanol blend testing or other analyses should consider emissions and other impacts for the different engines and equipment (including the fuel systems) that are currently in service and that could be exposed to mid-level ethanol blends. Such testing and analyses should also assess the long-term impacts of such blends. EPA specifically solicits the data and results from such testing and analyses.

Although it is not a specific criterion by which to evaluate a waiver request under section 211(f), any approved waiver request could require new program changes to accommodate this new fuel. EPA seeks comment on the effect of a potential waiver for ethanol blends above 10 percent and up to 15 percent on the existing fuel programs (e.g., gasoline detergent certification, impact on underground storage tanks, etc.) and on the gasoline production, distribution and marketing infrastructure. For example, EPA could need to modify its RFG and anti-dumping regulations to account for a higher blend. EPA also seeks comment on the dynamics of the blendwall concern raised by Growth Energy, the extent to which the use of an E15 waiver would in practice help address this concern, and what additional steps would have to be taken to bring E15 to market should a waiver be granted.

Dated:

---

Elizabeth Craig  
Acting Assistant Administrator  
Office of Air and Radiation

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/13/2009 10:06:08 PM  
**Subject:** Re: "ecstatic" is the word

are you in?

my daughter is here

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/13/2009 06:04 PM  
**Subject:** Re: "ecstatic" is the word

);. You dour? Hahahaha.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/13/2009 05:57 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: "ecstatic" is the word

It's possible I've given you the impression that I'm dour with staff. I'm actually not.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/13/2009 02:59 PM  
**Subject:** Re: "ecstatic" is the word

Thx. We must always remind each other how important what we model outwardly is to staff. Margo and Sara and Dina and Rob are probbaly the exceptions but the majority of the career staff take their cues from us.

**From:** Lisa Heinzerling/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Date:** 04/13/2009 12:50 PM  
**Subject:** "ecstatic" is the word

Margo and Sarah wanted me to convey the message to you that they and their teams were not only happy about the RFS2 result, but "ecstatic."

Please do not mistake my own occasional expressions of frustration with process for staff's views about results. Career staff are extremely happy about the results so far achieved. (So am I.)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/14/2009 1:58:17 PM  
**Subject:** cars

Had breakfast with Jody Freeman and Katie Thomson, a new political appointee at DOT, this morning.

Rahm E. has told Carol B. to get a deal on cars done by the end of this month.

Jody envisions a series of negotiations with the auto companies. She has a set of parameters (national Pavley etc.) in mind. They're good parameters.;

**Deliberative**

# Deliberative

**Deliberative**

**Deliberative**

I would like

to talk with you about this, either in person or over the phone, today if possible.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/14/2009 2:36:59 PM  
**Subject:** blendwall letter  
[blendwall letter 4-13.doc](#)

Awhile back, you had asked me to prepare a letter (recipient(s) to be determined) expressing your view that newer vehicles might well be compatible with higher ethanol blends. I am attaching a draft of this letter. I know that at yesterday's morning meeting, you suggested that perhaps the message of this letter could be expressed in press on the Federal Register notice on the request for a waiver, but I thought I'd send along the draft just so you can see it. I'm tending to think the press messaging is a better way to express this, given the sensitivity of making an educated guess in the midst of a waiver process, but let me know what you think. Thanks.

Dear -- :

Thank you for your letter of --, expressing your perspective on EPA's consideration of Growth Energy's application for a waiver under the Clean Air Act for ethanol blends of up to 15 percent (E15).

As you know, the Clean Air Act permits me to grant a waiver of the statutory requirement that new fuels be "substantially similar" to fuels used in the certification of vehicles under the Act. I may grant a waiver, however, only if I find that the applicant has established that the fuel will not cause or contribute to a failure of an emission control device or system – over the useful life of the vehicle or engine in which the device or system is used – to achieve compliance with emissions standards. Historical experience with both highway vehicles and nonroad equipment, even on ethanol blends of 10 percent (E10), suggests that addressing the statutory criteria for granting a waiver will be critical to ensure that the use of higher level ethanol blends will not cause any unacceptable unintended consequences to the in-use fleet of vehicles and equipment. Consequently, in order for there to be useful information for waiver purposes, mid-level ethanol blend testing must consider the different engines and fuel systems currently in service that could be exposed to mid-level ethanol blends and the long-term impacts of such blends.

Recognizing the need to address the blendwall issue, EPA has been engaged in an extensive and ongoing dialogue and technical analysis for several years with our federal partners, and a wide range of other stakeholders. We have been working especially closely with the Department of Energy (DOE) to evaluate the impacts of the use of higher blends on the in-use fleet of highway vehicles and nonroad equipment, and hope to complete the testing over the course of the next year. This testing effort has been designed to provide the necessary emissions and durability data to support a decision on the appropriate use (if any) of higher blends of ethanol in gasoline vehicles and engines. In coordination with EPA and the Coordinating Research Council, DOE is currently conducting a multi-million dollar testing program on a representative sample of newer vehicles to evaluate emissions impacts of higher ethanol blends, including durability over the useful life of the vehicle.

Even without the final results of this testing, we have some evidence on which to draw in making educated – though far from conclusive – guesses about the outcome of this research program. Because the materials and computer software of newer vehicles has already been calibrated to handle E10, and because the current software aims at coming as close as it can to perfect combustion, it may well be that these newer vehicles can handle ethanol blends higher than 10 percent without unacceptable adverse effects on their emissions control systems. In addition, spot testing of vehicles on the roads with higher blends supports this hunch. It is, I hasten to remind you, only an educated hunch, and a final answer as to whether higher blends will be compatible with newer vehicles must await the outcome of further, more systematic testing of the kind I described above.

If the outcome of the testing is as I suspect it might be, challenges nevertheless remain. Older vehicles were not designed – in their hardware or in their software – to respond to higher ethanol blends in the way newer cars have been. The same applies to smaller engines. Thus, any

decision that allows the introduction of higher ethanol blends into the fuel supply must at the same time make every effort to ensure that these blends do not find their way into the wrong kinds of engines, such as through fuel pump labeling and consumer education.

Once again, thank you sharing your views on this important issue.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
Cc: []  
From: CN=Robert Goulding/OU=DC/O=USEPA/C=US  
Sent: Tue 4/14/2009 2:59:18 PM  
Subject: Fw: Principals Meeting: Auction/Allocation and Revenue Return [Wednesday 4/15 4:30 pm]  
[kbrandt@who.eop.gov](mailto:kbrandt@who.eop.gov)  
[kbrandt@who.eop.gov](mailto:kbrandt@who.eop.gov)

Your plane tomorrow is set to land at Reagan at 4:40. Do you want to try to attend late? This is another Principals Meeting set to begin at 4:30.

Robert Goulding  
Director of Operations  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-4700  
(f) 202-501-1450

\*Please consider the environment before printing this e-mail  
----- Forwarded by Robert Goulding/DC/USEPA/US on 04/14/2009 10:58 AM -----

From: Megan Cryan/DC/USEPA/US  
To: "Robert Goulding" <Goulding.Robert@epamail.epa.gov>  
Date: 04/14/2009 10:57 AM  
Subject: Fw: Principals Meeting: Auction/Allocation and Revenue Return [Wednesday 4/15 4:30 pm]

Hey - any news on this? .

From: "Brandt, Kate E." [Kate\_E\_Brandt@who.eop.gov]  
Sent: 04/14/2009 10:16 AM AST  
To: "Hire, Elisabeth" <Personal Privacy>; "Williams, Alice H." <Personal Privacy>; "Thomson, John F." <Personal Privacy>; "Herman, Juliana B." <Personal Privacy>; "Jung, Bryan" <Personal Privacy>; "Farnsworth, Sarah S." <Personal Privacy>; "Dunn, Lauren P." <Personal Privacy>; "Belive, Lauren" <Personal Privacy>; "McLaughlin, Patricia M." <Personal Privacy>; "English, Leandra" <Personal Privacy>; <Rf@doc.gov>; "Lally, Brian J Mr OSD ATL" <Brian.Lally@osd.mil>; <annie.bradley@usdoj.gov>; "Scola, Lindsay" <Lindsay.Scola@hq.doe.gov>; Megan Cryan; <Joan\_Padilla@ios.doi.gov>; <Daniel.J.Gross@hud.gov>; "Robertson, Megan A" <Megan.A.Robertson@hud.gov>; "Valmoro, Lona J" <ValmoroLJ@state.gov>; <Kevin.Chapman@dot.gov>; <julie.herr@do.treas.gov>; "Reiter, Liz" <Liz.Reiter@osec.usda.gov>; "Cluthe, Sally" <Sally.Cluthe@osec.usda.gov>; "Milakofsky, Benjamin E." <Personal Privacy>; "Gonzalez, Roberto J." <Personal Privacy>; "Sullivan, Maureen, Ms, OSD-ATL" <Maureen.Sullivan@osd.mil>; "Siegel, Avra" <Personal Privacy>; "Jackson, Katie E." <Personal Privacy>; <William.Pizer@do.treas.gov>; "Jackson, Marjorie W" <JacksonMW@state.gov>  
Cc: <David\_Hayes@ios.doi.gov>; "Linscott, Mark" <Personal Privacy>

<Steve\_Black@ios.doi.gov>

Subject: RE: Principals Meeting: Auction/Allocation and Revenue Return [Wednesday 4/15 4:30 pm]

Good morning,

This is a reminder to please let me know by COB today if your principal will be attending tomorrow's (Wednesday's) meeting from 4:30 – 5:30 pm and who their +1 will be.

For +1s without White House badges please send full name with middle initial, DOB and SS#.

If your principal is not able to attend please let me know which individual has been designated to attend in his or her place.

Thanks very much and please don't hesitate to call or email with any questions.

Best,  
Kate

Kate E. Brandt  
Office of Energy and Climate Change

Personal Privacy

(202) 456-5602 (w); Personal Privacy (c)

From: Brandt, Kate E.

Sent: Monday, April 13, 2009 11:58 AM

To: Brandt, Kate E.; Hire, Elisabeth; Williams, Alice H.; Herman, Juliana B.; Thomson, John F.; Jung, Bryan; Farnsworth, Sarah S.; Dunn, Lauren P.; Belive, Lauren; Bailey, Averyl E.; McLaughlin, Patricia M.; English, Leandra; 'Rf@doc.gov'; 'Lally, Brian J Mr OSD ATL'; 'annie.bradley@usdoj.gov'; 'Scola, Lindsay'; 'Cryan.Megan@epamail.epa.gov'; 'Joan\_Padilla@ios.doi.gov'; 'Daniel.J.Gross@hud.gov'; 'Robertson, Megan A'; 'Valmoro, Lona J'; 'Kevin.Chapman@dot.gov'; 'julie.herr@do.treas.gov'; 'Reiter, Liz'; 'Cluthe, Sally'; 'Milakofsky, Benjamin E.; Gonzalez, Roberto J.; 'Sullivan, Maureen, Ms, OSD-ATL'; Siegel, Avra; Jackson, Katie E.; 'William.Pizer@do.treas.gov'

Subject: Principals Meeting: Auction/Allocation and Revenue Return [Wednesday 4/15 4:30 pm]

DATE: Wednesday April 15th

TIME: 4:30 pm – 5:30 pm

LOCATION: EEOB 350

TOPIC: Auction/Allocation and Revenue Return

PARTICIPATION: Principals + 1

BACKGROUND: On Wednesday we will have a principals meeting to discuss Auction/Allocation and Revenue Return as they relate to climate legislation. A background memo as well as an agenda will be circulated on Tuesday.

Best,  
Kate

Kate E. Brandt

Office of Energy and Climate Change

Personal Privacy

Personal Privacy

**To:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/14/2009 9:15:30 PM  
**Subject:** Re: Markey call

Michael Goo just called me to say that he now actually will not be able to call at 5:20. He will try to call another time. For all I know, your phone will ring at 5:20, at it will be Ed Markey. But his staff is saying it's not going to happen. In the meantime, I delivered this message to the staff:

# Deliberative

**From:** Eric Wachter/DC/USEPA/US  
**To:** Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
**Date:** 04/14/2009 04:53 PM  
**Subject:** Markey call

He is calling at 5:20 p.m. Please stop down if available. No big deal if unavailable. Thanks.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/14/2009 4:18:55 PM  
**Subject:** In POTUS Speech

Key passage in his economic speech today:

The investments we made in the Recovery Act will double this nation's supply of renewable energy in the next three years. And we are putting Americans to work making our homes and buildings more efficient so that we can save billions on our energy bills and grow our economy at the same time.

But the only way to truly spark this transformation is through a gradual, market-based cap on carbon pollution, so that clean energy is the profitable kind of energy. Some have argued that we shouldn't attempt such a transition until the economy recovers, and they are right that we have to take the costs of transition into account. But we can no longer delay putting a framework for a clean energy economy in place. If businesses and entrepreneurs know today that we are closing this carbon pollution loophole, they will start investing in clean energy now. And pretty soon, we'll see more companies constructing solar panels, and workers building wind turbines, and car companies manufacturing fuel-efficient cars. Investors will put some money into a new energy technology, and a small business will open to start selling it. That's how we can grow this economy, enhance our security, and protect our planet at the same time.

-----

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/14/2009 11:49:39 PM  
**Subject:** memo to regions on PSD

I heard you and Carol discussing this memo at the end of your conversation with her when I was in your office today. Is there anything I should be looking into in response to whatever she said/asked?

Also, we're still a go on this for April 24, right? Should I be communicating with Allyn about the message on this, or have you talked to him about it already?

**100-DAY CABINET REPORT**  
**ENVIRONMENTAL PROTECTION AGENCY**  
**APRIL , 2009**

**A Revitalized EPA Back on the Job**

From climate change to degradation in air and water quality, the United States faces urgent environmental challenges. After eight years of faltering progress and missed opportunities, a revitalized EPA focused on protecting health and the environment is central to President Obama's agenda.

In keeping with the President's vision, EPA Administrator Lisa Jackson has embarked on an ambitious effort to restore momentum to EPA's core air, water and waste programs while tackling new and emerging problems such as climate change. Underlying this effort is the premise that environmental protection and economic growth are mutually achievable – that we can increase economic activity and create new jobs at the same time that we cut harmful emissions and free ourselves from dependence on highly polluting sources of energy.

The first 100 days of Administrator Jackson's tenure send the clear message that EPA is back on the job. She has moved on parallel tracks to reexamine actions of the previous Administration that weakened protection of health and the environment while seizing opportunities to launch new initiatives. The accomplishments of her first hundred days are outlined below and lay the groundwork for accelerated progress in the months ahead as new initiatives come to fruition.

Hand in hand with revitalization of EPA's environmental mission is the Agency's central contribution to the President's economy recovery plan. EPA's share of economic recovery funds is over \$7 billion, dedicated to a host of job-creating projects that increase America's investment in water infrastructure, clean-up of contaminated sites and reduction of toxic emissions. As described below, EPA-funded projects are already putting Americans to work and paying large environmental dividends.

Looking toward the future, the FY 2010 Obama Administration Budget for EPA provides \$10.5 billion, the largest level of funding in EPA's 39-year history, and an increase of \$3 billion from 2008 funding levels. This budget increase will enable EPA to continue strong investments in the nation's environmental infrastructure, support our state partners and redouble our efforts to restore threatened watersheds.

**Administrator Jackson's Core Values**

*The Administrator's first 100 days have been grounded in three core values. These values will continue to inform and guide EPA's work in the months and years ahead.*

First, science must be the backbone for EPA programs. The public health and environmental laws that Congress has enacted depend on rigorous adherence to the best available science. When EPA addresses scientific issues, it should rely on the expert judgment of the Agency's career scientists and independent advisors. While the laws that Congress has written and

directed EPA to implement leave room for policy judgments, policy decisions should be based on scientific findings.

Second, EPA must follow and adhere to the rule of law. EPA is a regulatory agency and as such must have the utmost respect for Congressional mandates and judicial decisions. Under our environmental laws, EPA has room to exercise discretion, and Congress often looks to EPA to fill in the details of general policies. But this discretion must be exercised within the bounds of the law.

Finally, as president Obama has emphasized, EPA's actions must be transparent. Public trust demands that we reach out to all stakeholders fairly and impartially, that we consider the views and data presented carefully and objectively, and that we fully disclose the information that forms the bases for our decisions. On April [REDACTED], Administrator Jackson issued a memo to the EPA's workforce providing guidelines on how the Agency will meet this heightened commitment to transparency.

### **Protecting the Environment and Supporting Economic Recovery**

*The American Recovery and Reinvestment Act, signed into law by President Obama, provides \$7.22 billion for projects and programs administered by EPA. These programs provide an unprecedented opportunity for EPA to direct funds to our nation's most critical environmental infrastructure needs and energize our economic growth by creating and sustaining a dynamic workforce. The programs include:*

- **Water Infrastructure Improvements for Communities:** \$4 billion for Clean Water State Revolving Fund to help communities with water quality and wastewater infrastructure needs and \$2 billion for communities needs through the Drinking Water State Revolving Fund. 20 percent of this funding will be targeted towards green infrastructure, water and energy efficiency, and environmentally innovative projects. This new infusion of money will help states and local government finance many of the overdue improvements to public waters and wastewater systems that are essential to protecting public health and assuring good water quality.
- **Brownfield Restorations:** \$100 million for grants to clean up former industrial and commercial sites, returning these sites to their communities for productive use. \$3.5 million is set aside for job training in the assessment, remediation or preparation of these sites.
- **Diesel Emissions Reductions:** \$300 million for grants and loans to help regional, state and local governments, tribes, and non-profit organizations with projects that reduce diesel emissions from vehicles like school buses, garbage trucks, construction equipment, marine vessels, and locomotives. Reducing soot, sulfur, and nitrogen dioxide emissions help to reduce the risk of asthma, respiratory illnesses and premature deaths.

- **Accelerating Superfund Site Cleanups:** \$600 million for the cleanup of hazardous sites. EPA will use this funding to increase the pace of these cleanups and return the sites to our communities for productive use.
- **Accelerating Leaking Underground Storage Tank Cleanups:** \$200 million for the cleanup of petroleum leaks from underground storage tanks. There are approximately 100,000 sites eligible for cleanup where leaks threaten soil or water quality or result in fire or explosion hazards.
- **Responsible Oversight.** \$20 million for the EPA Office of Inspector General for audits, evaluations, investigations and oversight of the Recovery Act funding.
- **Financial Status to Date.** [requires updating] As of 9 April 2009, EPA has allocated more than \$6 billion to the States. Of that amount, EPA has made specific financial commitments of more than \$1.3 billion. Obligations to recipients of Recovery Act funds are approximately \$750 million.
- **Creating Needed Jobs.** [requires updating] OMB has finalized guidance on job creation and retention. EPA is working to develop EPA-specific estimates.

Some examples of outstanding Recovery Act projects are as follows:

**Cleaner Air.** EPA announced that nearly \$100 million in environmental stimulus funding will be invested in Colorado under the Recovery Act. The announcement also recognized the first EPA-related environmental stimulus grant to be awarded in the nation; a grant of \$1.7 million for clean diesel initiatives. In addition, EPA also announced the availability of \$7.3 million for competitive clean diesel grants across EPA Region 8 – which includes the states of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming—under the Recovery Act. Reducing diesel emissions will provide vital health protections to children exposed to toxic fumes from diesel-powered school buses and at risk communities living near heavily-traveled highways with high concentrations of diesel emissions

**Cleaner Water.** In the single largest grant in its history, EPA awarded more than \$430 million to the State of New York for wastewater infrastructure projects that will create thousands of jobs, jumpstart local economies and protect human health and the environment across the state. The state will use the Recovery Act grant to provide money to municipal and county governments and wastewater utilities for projects to protect lakes, ponds and streams in communities across New York.

**Cleaner Soil.** The Iron Mountain Mine Superfund site near Redding, California, will receive funding that will make it possible to dredge, treat, and dispose of heavy-metal contaminated sediments in the Spring Creek Arm of the Kewich Reservoir in 18 months, rather than three years.

## **Restarting Environmental Progress: Implementing EPA’s Priorities**

Administrator Jackson has identified five priorities that are shaping EPA's environmental mission and reinvigorating a broad range of EPA programs. As described below, EPA is moving ahead aggressively in each of these priority areas.

### **Priority Number 1: Reducing Greenhouse Gas Emissions**

*EPA will reduce greenhouse gas emissions. The world's leading scientists have predicted notable, if not drastic, changes in the planet's climate within our lifetimes that pose a real threat to ecological stability. Transitioning to a lower-carbon economy will protect public health, create jobs and open up opportunities for investment in existing and cutting-edge technologies, creating a foundation for future growth.*

**New Mandatory Greenhouse Gas Reporting.** The EPA budget provides a \$19 million increase for the inventory and related activities that will provide crucial data for implementing comprehensive climate change programs. EPA has proposed a rulemaking that would create the first national greenhouse gas reporting system to require entities that emit more than 25,000 tons of greenhouse gas emissions each year to track, document and report emissions information to EPA on an annual basis. The proposed regulation will be tailored to exempt small businesses, yet cover 85-90 percent of all greenhouse gases emitted nationwide. EPA is convening two public hearings on this proposed rulemaking.

**California Greenhouse Gas Waiver Request.** The Clean Air Act allows the State of California to adopt more stringent motor vehicle air pollution standards with EPA approval. At the direction of President Obama, EPA is reevaluating its 2008 decision to deny the waiver request submitted by the State of California for the regulation of greenhouse gas emissions from motor vehicles.

**Endangerment of Public Health and Welfare.** In response to the April 2007 U.S. Supreme Court decision, EPA has begun to consider, using rigorous science-based analysis, whether man-made greenhouse gas emissions endanger public health and welfare and are thus subject to existing federal legal authorities.

**Prevention of Significant Deterioration of Air Quality.** Administrator Jackson has announced reconsideration of a Bush Administration decision that the "Prevention of Significant Deterioration" program, established by the Clean Air Act, does not apply to new sources of carbon dioxide emissions. The PSD program requires new major sources of pollutants (or major upgrades at existing sources) to incorporate the best available technologies in order to prevent increases in pollutants. This issue has major implications for the approval of the proposed 1,500-megawatt Desert Rock coal-fired power plant in New Mexico.

**Energy Savings for Households.** EPA issued new requirements for Energy Star computer monitors, digital photograph frames and related displays. If all displays sold in

the U.S. were to meet this standard the energy savings would reach \$1 billion a year and reduce greenhouse gases the equivalent of taking 1.5 million vehicles off the road.

## **Priority Number 2: Improving Air Quality**

*EPA will improve air quality. This nation continues to face serious air pollution challenges, with large areas of the country that still cannot meet federal air quality standards and many communities still facing the threat of toxic emissions. The science shows that people's health is at stake. EPA will move forward to close the gaps in our federal regulatory system as the science informs us and the law requires.*

**Science-Based Air Quality Standards for Particles and Ozone.** In 2006, the Bush Administration issued a health-based national air quality standard to control air pollution from fine particles (PM) in regions of the United States that fail to meet federal air quality goals. In 2009, the DC Circuit Court of Appeals ruled that the previous administration did not provide a sufficient rationale for setting a standard less stringent than that recommended by the EPA's clean air science advisory committee. EPA is now reviewing the latest science on PM to assess whether lower the standard is needed in order to protect sensitive populations with an adequate margin of safety. Similarly, EPA is reviewing the air quality standard for ozone established by the Bush Administration in 2008, again without following the recommendations of the Agency's expert scientific advisory committee.

**Safer Schools for Kids.** In an unprecedented effort, EPA announced that 62 schools in 22 states will undergo outdoor monitoring of toxic air pollutants for a 60-day period to ensure the health and safety of school children who learn and play in urban areas or near industrial facilities. This initiative can be tracked at <http://www.epa.gov/schoolair>.

**Cleaner Air from Ocean Going Vessels.** This spring, the United States and Canada, led by EPA, became the first country to ask the International Maritime Organization to designate a 200-nautical mile buffer zone along the nation's coastline as an area where oceangoing vessels (which use particularly dirty fuels) must stringently control their air emissions. Ships dock at more than 100 ports in the United States, 40 of which are in urban areas that struggle to meet federal clean air standards. This new action if adopted is expected to lower maritime sulfur emissions by 98 percent, soot emissions by 85 percent, and nitrogen oxide emissions by 80 percent in these regions, saving 8,300 North American lives annually by 2020.

**Reducing Pollutants from New Sources.** The New Source Review (NSR) is a pre-construction permitting program to ensure air quality is maintained when factories, industrial boilers and power plants are built or modified. The program ensures that state-of-the-art emission control technology is installed at new plants or existing plants that are undergoing a major modification. EPA is actively reconsidering a range of decisions by the previous administration that changed the NSR program in a manner that risk increasing pollution and relaxing EPA oversight.

**Better Technologies for Stationary Engines.** For the first time, EPA is proposing emissions limits for formaldehyde, benzene, acrolein and other air toxics from certain stationary diesel and gas-fired engines.

**Decreasing Mercury in the Air and Water.** The DC Circuit Court of Appeals last year struck down regulations issued by the Bush Administration that removed coal-fired power plants from the legal requirement to install the strongest technologies available that can control mercury emissions into the environment. The Bush Administration asked the Supreme Court to review this decision but the Department of Justice, acting at the behest of EPA, withdrew this request and the Court then declined review. EPA is now working to comply with the court ruling by developing a new rule under Section 112 of the Clean Air Act to ensure each utility installs stringent mercury emission controls.

**Protecting Public Health from Petroleum Refinery Emissions.** The Clean Air Act requires EPA to set standards from petroleum refineries at levels sufficient to protect public health with an ample margin of safety. The Bush Administration published these standards on January 16, 2009. The Administrator has decided that these standards were based on inadequate information and that the Agency needs to collect additional information before it can be assured that public health is amply protected. The Agency will soon withdraw the Bush Administration standards as a first step in that process. Technology based standards will remain in place during this period.

### **Priority Number 3: Managing Chemical Risks**

*EPA will better manage chemical risks. More than 30 years after Congress enacted the Toxic Substances Control Act, EPA must commit to aggressively assess and manage the risks of chemicals in consumer products, the workplace, and the environment by revising and strengthening EPA's chemicals management and risk assessment programs.*

**Phase-Out of Harmful Dry Cleaning Chemicals.** EPA is reconsidering the Bush Administration decision on the regulation of the dry cleaning chemical known as perchloroethylene (or "perc"). The 2006 regulation called for a minimal phase-out of the cleaning agent that is still used at 27,000 dry cleaning facilities and is associated with respiratory problems, cancer and nervous system damage.

**Restoring American Leadership on Global Mercury Pollution Reduction.** EPA worked closely with State Department officials at the global environmental summit in Nairobi in February to pursue binding international agreements to lower mercury levels worldwide, reversing many years of U.S. opposition under the Bush Administration.

**New Screenings for Chemicals that Affect the Endocrine System.** EPA will soon announce that 67 pesticide chemicals will be the first to be analyzed by the Endocrine Disruptor Screening Program, created in 1996 to assess environmental contaminants for their potential to affect the estrogen, androgen and thyroid hormone systems.

**Better Science and Transparency on Chemical Toxicity.** In March, EPA announced a new and improved scientific approach using recent advances in molecular biology, genomics and computation sciences to assess chemical risks to human health. EPA will be able to screen thousands of chemicals quickly for levels of toxicity and potential harmful effects on both adults and children. EPA also released a new and improved online database to collect information on more than 500,000 man-made chemicals from 200 sources.

**Improving How We Assess Risk.** EPA is reviewing opportunities to streamline its Integrated Risk Information System (IRIS), which is the agency's searchable database on human health effects that may result from exposure to various substances in the environment. The Government Accountability Office (GAO) determined that actions are needed to streamline the system, increase its transparency, and improve EPA's ability to obtain health and safety information from the chemical industry.

**Restoring Comprehensive Tracking of Pollutants.** Pursuant to Congressional legislation, EPA will soon reinstate the comprehensive tracking requirements of the Toxic Release Inventory program that is required of utilities, refineries, chemical manufacturers, paper companies and related facilities for more than 650 chemicals. The reporting requirements of this program had been relaxed by the previous administration.

**Pursuing Environmental Justice.** EPA awarded 40 grants totaling \$800,000 to state, local, tribal and community groups to help low-income and minority communities that are disproportionately exposed to high levels of pollution and risk. The grants support education, inspection and abatement programs that address lead poisoning, pests, pesticide use, asbestos, and energy efficiency. This is one example of Administrator Jackson's commitment to strengthen EPA's environmental justice programs.

**Children's Health.** The Administrator has appointed a new senior advisor to the Office of Children's Health as a first step in revitalizing this important office. Children are a particularly vulnerable subset of the population where sensitivities and exposures to environmental hazards can have much greater harmful effects compared with adults.

#### **Priority Number 4: Cleaning up Contaminated Sites and Reducing Waste**

*EPA will strive to accelerate the pace of cleanup at hundreds of contaminated hazardous waste sites throughout the nation. EPA envisions communities where blighted properties are transformed into safe and productive parcels, and threats to human health are properly mitigated, leading to jobs and a reinvestment in land, communities, and citizens. EPA will improve the safety of waste management and encourage energy-saving recycling.*

**Swifter Dioxin Cleanup in Michigan.** After dispatching a high-level delegation to meet with community leaders, state and local officials, and industry, EPA is working on accelerating the pace of cleanup of dioxin contamination caused by Dow Chemical Company in a watershed near Lake Huron. Dioxins are highly toxic compounds that pose serious risks to human health and the environment.

**Accelerated Superfund Cleanups at Federal Sites:** The EPA budget provides \$1.3 billion for cleanup activities, and proposes to reinstate excise taxes and will collect more than \$1 billion beginning in FY 2011 to cleanup the nation's most contaminated sites. In March, EPA reached agreement with the Department of Defense ending a longtime dispute and moving forward with effective and efficient cleanups at 10 remaining Air Force and Army Superfund sites. EPA also worked with the Department of Energy to accelerate Superfund cleanup commitments at more than a dozen DoE sites across the country would be met in FY 2009 and FY 2010. The acceleration was facilitated by about \$6 billion in new Recovery Act funding for the Department of Energy sites. Before the recent collaboration and additional funding, a number of cleanup commitments were at risk at several sites where funds had been cut over the past several years.

**Protecting Communities from Inadequate Management of Coal Waste.** In December 2008, an impoundment failure led to a massive coal ash landslide at the Kingston facility of the Tennessee Valley Authority, flooding more than 300 acres of land, damaging homes and property, filling large areas of the Clinch and Emory rivers and killing fish. Upon confirmation, EPA Administrator Lisa Jackson immediately announced a strategy to prepare for future threats. This strategy includes launching an inventory of approximately 300 coal ash impoundments nationwide, and, where warranted, conducting on-site inspections and assessments of the structural integrity of such impoundments, ordering cleanup and repairs where needed. The cornerstone of these efforts is the EPA announcement that new regulations will be developed before the end of the year that will address the management of coal combustion residuals to ensure that future such environmental disasters are prevented. EPA is also active engaged to overseeing cleanup efforts at the TVA facility, immediately becoming involved in sampling and assessment activities, and initiating negotiations with TVA under EPA administrative authorities to help ensure, in coordination with state action, that the ash removal and disposal is conducted in a manner that protects public health and the environment.

**National Cell Phone Recycling Week.** EPA teamed up with leading cell phone makers, service providers, and retailers to launch this national campaign April 6-12 to encourage Americans to recycle or donate their unwanted personal cell phones, personal digital assistants (PDAs) and accessories. Currently, only about 10 percent of unwanted cell phones are recycled each year. Recycling the 100 million cell phones that are no longer used annually would save enough energy to power more than 18,000 U.S. households for a year.

## **Priority Number 5: Protecting America's Water**

*EPA will restore water quality protections in our nation's streams, rivers, lakes, bays, oceans and aquifers. EPA will make robust use of its authority to restore threatened treasures such as the Great Lakes and the Chesapeake Bay, for addressing neglected urban rivers, to strengthen*

*drinking water safety programs, and reducing pollution from non-point and industrial discharges.*

**Modernizing Water Infrastructure for Communities.** The EPA FY 2010 budget provides \$3.9 billion, a historic increase, for Clean Water State Revolving Fund and Drinking Water State Revolving Fund grants for states and local governments to finance many of the overdue improvements to public waters and wastewater systems that are essential to protecting public health and assuring good water quality.

**Improving Water Security.** The EPA budget provides \$24 million to fully fund all five Water Security Initiatives in response to the Bioterrorism Act of 2002.

**Greater Scrutiny of Water Quality Impacts from Mountaintop Mining.** EPA has initiated a comprehensive review of Clean Water Act permitting for new surface coal mining activities affecting water quality and the environment. EPA is also prioritizing the review of individual permits that have the greatest potential to result in environmental harm. EPA will continue to review these permits, and where pending permits raise environmental concerns, EPA intends to work expeditiously with the Corps of Engineers to address those concerns. EPA is participating in an interagency process through CEQ to develop new policies to reduce environmental impacts from mountaintop mining.

**Addressing Perchlorate in Drinking Water.** Perchlorate, an ingredient of rocket fuel, has been detected in the drinking water of 35 states and is linked with inhibiting iodine uptake in the thyroid as well as interfering in the development of the fetus. Under the previous administration, the EPA delayed decisions on whether to regulate perchlorate, an action that was criticized by the EPA Office of the Inspector General and the Government Accountability Office. EPA Administrator Lisa Jackson has pledged to actively revisit this issue and address perchlorate in drinking water.

**Restoring the Scope of Clean Water Act.** Administrator Jackson has directed the Agency to begin a comprehensive evaluation of administrative options to restore Clean Water Act Act protections for the nation's streams, rivers and wetlands impacted by recent Supreme Court interpretations in *SWANCC* and *Rapanos*. EPA is also coordinating with Congress by providing technical assistance to efforts to prepare legislation designed to restore the geographic scope of the Clean Water Act.

**New Restoration Efforts for the Great Lakes.** The FY 2010 EPA budget provides \$475 million for a new, multi-agency initiative to protect the world's largest fresh water resource from environmental threats including invasive species, non-point source pollution, habitat degradation, and contaminated sediment. EPA is actively working with other federal agencies and states to design this high-priority initiative.

**Improving the Health of the Chesapeake Bay.** In response to constituent concerns regarding federal attention to the Chesapeake Bay, EPA Administrator, Lisa Jackson, has created a new position at EPA headquarters and selected a highly regarded Chesapeake

Bay expert as her senior advisor for this nationally significant water body. EPA is actively developing a new Chesapeake Bay strategy.

**Terminating Excessive Fees for Water Permits.** EPA withdrew the Voluntary Permit Fee Rule, issued by the previous administration, designed to provide financial incentives for states to use fees when administering a clean water permit program, the National Pollutant Discharge Elimination System programs. Funds will instead be allocated to states under an existing grant formula.

## **Vigorous Enforcement of Environmental Laws**

*Administrator Jackson is committed to strong enforcement of the nation's environmental laws. On her watch, the Agency has taken several significant enforcement actions which reaffirm the paramount importance of compliance assurance.*

- U.S. v. Louisiana Generating. On February 18, 2009, the United States filed a complaint against Louisiana Generating, alleging that the company violated the New Source Review provisions of the Clean Air Act by operating the Big Cajun 2 Power Plant, a coal-fired power plant in New Roads, Louisiana, without installing and operating modern pollution control equipment after the generating units had undergone major modifications. Louisiana Generating has not yet filed an answer to the complaint.
- U.S. v. Westar. The United States filed a complaint against Westar Energy, Inc. on February 4, 2009, alleging that the company violated the Clean Air Act by making major modifications to the Jeffrey Energy Center, a coal-fired power plant in St. Marys, Kansas, without also installing and operating modern pollution control equipment. Westar's answer is due April 6, 2009.
- U.S. v. Cinergy. The United States is continuing to pursue its Clean Air Act New Source Review enforcement action against Cinergy, which is now part of Duke Energy. The original action was filed in 1999. A jury found Cinergy liable for violations at its Wabash River coal-fired power plant, located in Indiana. Trial and post-trial briefing on the appropriate remedies for those violations have been completed, and the parties are awaiting the court's decision.
- U.S. v. Kentucky Utilities. On February 3, 2009, the United States lodged, for public comment, a proposed consent decree that will resolve Kentucky Utilities' liability for violations of the Prevention of Significant Deterioration provisions of the Clean Air Act at the E.B Brown coal-fired power plant in Kentucky. The company has agreed to install \$135 million in control equipment, pay a \$1.4 million penalty, and perform \$3 million in environmental mitigation projects.
- U.S. v. BP Exploration (Alaska) Inc. EPA and the Department of Transportation (DOT) filed a civil complaint against BP Exploration (Alaska) Inc. (BPXA) for violations of the Clean Air and Clean Water Acts—including the illegal discharges of more than 200,000

gallons of crude oil from its pipelines onto the North Slope of Alaska—and failing to comply in a timely manner with a DOT Order under federal pipeline safety laws. The United States is asking the court to order BPXA to take all appropriate action to prevent future violations and to pay civil penalties. This civil action follows a guilty plea by BPXA on Nov. 29, 2007, to one count of criminal negligent discharge of oil to the waters of the United States in violation of the Clean Water Act.

- US v. BP Products North America. On February 10, 2009, the United States lodged, for public comment, a proposed consent decree that will resolve the company's noncompliance with a 2001 consent decree and Clean Air Act regulations at BP's Texas City, Texas petroleum refinery. The settlement requires BP to spend more than \$161 million on pollution controls and other injunctive relief, as well as pay a \$12 million civil penalty and spend \$6 million on a supplemental project to reduce air pollution in Texas City.
- U.S. v. Commonwealth Utility Corporation and the Commonwealth of Northern Mariana Islands. On March 11, 2009, the U.S. District Court for the Northern Mariana Islands entered stipulated orders for a settlement with the Commonwealth Utility Corporation (CUC) and the Commonwealth of Northern Mariana Islands. The settlement addresses Clean Water Act sanitary sewer overflow violations and Safe Drinking Water Act violations. CUC agreed to make upgrades to its sewage collection system and wastewater and drinking water treatment facilities, an estimated cost of \$300 - 400 million, to eliminate millions of gallons of raw sewage overflows and address serious drinking water violations.
- U.S. v. City of Akron, Ohio. On February 5, 2009, the United States filed a Clean Water Act complaint against the city of Akron asserting claims that the city's combined sewer overflows pollute waters in violation of Akron's discharge permit.

## **Outreach and Accessibility**

*Administration Jackson is committed to strengthening the public trust when shaping environmental laws. She has reached out to key constituencies and stakeholders within the first 100 days of the Administration to ensure greater transparency and promote a more fluid and accessible exchange of ideas and input on EPA policy formation.*

Administrator Jackson's first public address as Administrator was to environmental justice advocates, community leaders and stakeholders from New York City and other parts of the nation at a groundbreaking 2-day conference around issues of climate change and environmental justice organized by West Harlem Environmental Action, Inc.

From the period of May 2008 forward, EPA's labor organizations withdrew from the Agency's National Partnership Council (NPC) citing a lack of trust in the Agency's senior leadership and scientific integrity as primary concerns. Knowing that the relationship with these organizations is critical to ensure success in human resources management, the current Administrator has made re-engagement with EPA's labor organizations a top priority. The Administrator has identified

senior Agency leadership to serve as management representatives to the NPC, sending a clear message that a collaborative, productive relationship with Agency's unions is a cornerstone of her approach to human resources management. The new NPC has been organized and its Executive Board meeting is scheduled for April 16, 2009. The Administrator will open this meeting as the Executive Board begins planning for a plenary meeting of the full Council later in the summer.

Administrator Jackson addressed key members of the US Conference of Mayors. She also addressed over 3,000 local elected officials during the March meeting of the National League of Cities in Washington, D.C. She emphasized her strong commitment to partnering with local governments to address sustainability, climate change, water infrastructure, and the implementation of ARRA. The Administrator has also met or spoken privately with several local officials on a variety of issues.

Administrator Jackson has met with eight governors and several state environmental commissioners. In addition, the Administrator has participated in several high-level state meetings, including a Climate Change and Energy Meeting with nine governors (in conjunction with the National Governors Association Winter meeting - February 2009), and the Environmental Council of States (ECOS) Spring Meeting (March 2009). The ECOS meeting was attended by approximately 200 people, including representatives of 40 state environmental agencies and two Canadian provinces.

Administrator Jackson met with the National Congress of American Indians in Washington, DC. She emphasized EPA's commitment to strengthening its government-to-government relationship with tribes and the importance of tribal inclusion in policy development. She also recognized the unique cultural knowledge of tribes and its role in improving environmental health.

Administrator Jackson addressed the National Association of State Departments of Agriculture (NASDA) at their 2009 Mid-Year Legislative Conference. NASDA represents the commissioners of agriculture in the 50 states and 4 territories. The Administrator discussed her priorities and goals on environmental issues affecting agriculture. Along with Administrator Jackson, USDA Secretary Tom Vilsack spoke to NASDA about USDA priorities for this Administration. Both Administrator Jackson and Secretary Vilsack emphasized continued communication and collaboration between EPA and USDA.

The Administrator and other senior EPA officials have met here in Washington with environment ministers and top climate change advisers from various countries (including Canada, Mexico, the UK, Australia, China, Norway, and the EU) in response to numerous requests for information on the Agency's role with respect to global warming and other major international environmental issues.

## **EPA Management Reforms to Raise Efficiency and Reduce Costs**

*EPA is making major strides in reducing costs and improving the efficiency of agency operations, lowering cost burdens both on the agency and the stakeholder community.*

**Performance Track.** EPA announced that Performance Track, a program designed to encourage voluntary environmental improvements within various sectors of industry, would be halted. Two major reviews of Performance Track and similar programs will be continued until complete in order to advance the Agency's understanding of how these programmatic tools can protect the environment.

**Computer Room Server and Storage Management.** EPA currently manages more than 100 computer rooms and/or closets in 96 buildings located in 48 states. The varied technical environment and the organizational distribution of the Computer Room Server and Storage Management (CRSSM) services across the Agency have resulted in multiple service providers, a large amount of operations and business process heterogeneity, functional redundancy, and increased labor costs. CRSSM consolidation will result in an organization whose performance exceeds that of comparable providers through implementation of management controls, processes, and systems that are consistent with prevailing best practices.

With this initiative, EPA will make the existing IT infrastructure more efficient, and reduce costs by approximately 20-25% over a 7 year period. This will be accomplished by streamlining existing computer room servers and storage infrastructure.

**Grants Management Line of Business (GMLoB).** EPA is replacing the outdated system it uses (the Integrated Grants Management System) for awarding and managing grants, and moving grants information technology (IT) services to a Grants Management Line of Business (GMLoB) Service Center. The GMLoB is a multi-agency initiative sponsored by the Office of Management and Budget (OMB) under Public Law 106-107. The initiative's objectives are to promote citizen access, improve customer service, standardize and streamline grants business processes, and reduce costs by consolidating the grants IT infrastructure.

Migrating to the GMLoB is expected to cost the Agency 50 percent less than building a replacement grants management system, with a one-time cost avoidance of approximately \$5 million. Operations and maintenance costs are expected to decrease by 20 to 30 percent as the fixed costs of the service center are allocated across a greater number of transactions. It offers a more comprehensive portfolio of functions, increasing business process automation for EPA employees. It also improves EPA service to recipients by offering them on-line ability to monitor their grants and submit post award reports; reduce recipient costs by standardized processes across agencies that will also reduce administrative burden from inconsistent requirements.

**Centers of Excellence for Watershed Management.** The Centers of Excellence for Watershed Management program in EPA Region 4 (Atlanta, GA) grew from the idea that universities and colleges could provide low-cost, practical products and services to help communities identify water quality problems and develop sustainable solutions. The Centers are hosted by the University of Georgia, the University of Tennessee and their NGO partner, Cumberland River Compact, Clemson University, Auburn University, and Alabama A & M. Working in collaboration with EPA and local watershed stakeholders, these institutions and organizations enhance water quality, promote local citizen accountability, and develop solutions for water issues affecting natural resources and economic sustainability. The Centers also work together

as a network to reduce duplication of effort and costs, as well as maximize the synergies of innovative scientific and policy expertise. The use of in-house expertise and student talent reduces the economic burden on cash strapped local governments and watershed groups, as well as EPA. If EPA awarded individual grants to each community rather than use a Center, the estimated cost would be several million dollars, not including the agency resources needed to manage these grants. The annual estimated cost avoidance for local communities and the federal government is between \$3.7 million and \$13 million. The Regional office expects to designate several additional centers by the end of 2010.

**Monitoring Wastewater Discharges.** Clean Water Act discharge permittees are required to report to authorized states or to EPA the results of monthly monitoring of their wastewater discharges. EPA's Office of Enforcement and Compliance Assurance runs a quality assurance program that tests the capability of the laboratories that analyze those wastewater samples. Under the program, permittees are asked to certify that the laboratories they use participate in the quality assurance studies and report results to the state discharge monitoring coordinator or EPA. Several changes are being made to the program that will reduce burden on permittees, state regulators who manage the program, and private test providers who sell the test samples and grade them. First, the use of test results from another laboratory testing program will be accepted in this program to avoid duplication of effort. Second, the reporting process has been redesigned to reduce the administrative work for test providers and permittees. Finally, states can utilize existing state laboratory certification programs that include the laboratories providing results for the discharge monitoring program to meet the requirements of this program.

EPA estimates these changes could result in national savings of at least \$4.5 million and the elimination of the need for an additional 5 states and about 1200 permittees to participate in the discharge monitoring program. All of this will occur with an expectation of no reduction in EPA's assurance of the quality of laboratory performance for Clean Water Act related work.

###

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 12:05:40 AM  
**Subject:** RFS2 letters from environmental groups

I just got a batch of letters to environmental groups who had written about RFS2. (I get all the climate-related correspondence (and more!) to review.) They want you to use indirect land use emissions in the lifecycle analysis for the rule.

The letter from you back to them is very bland -- statute requires thus and such, rule is under review, that's about it. Doesn't tell the kind of positive story we could actually tell when the rule is public.

Would you like to hold off sending this letter until the rule is public?

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 12:21:10 PM  
**Subject:** President Shirley

When the memo from you goes out to the regions next Friday, President Shirley of the Navajo Nation will be able to quickly grasp the meaning of the memo for the Desert Rock project. Laura Yoshii and I again recommend a courtesy call to President Shirley to let him know our plans.

The wrinkle is that you'll be in Italy on Friday. We could arrange a call from Italy, as long as we have enough advance notice to schedule the call on President Shirley's end. Or Laura Yoshii could make the call.

Which do you prefer?

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]

**From:** CN=Ray Spears/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 12:33:52 PM  
**Subject:** Talking point  
[gtowneconomic.041409.doc](#)  
[Energy Policy Talking Points - One Page FINAL.pdf](#)

**Personal Privacy**

FYI. Please note below talking points on clean energy and energy independence, and on the President's economic speech at Georgetown.

Ray E. Spears, Esq.  
Deputy Chief of Staff  
Office of the Administrator (1101A)  
(202) 564-4715  
(202) 501-3202 FAX  
----- Forwarded by Ray Spears/DC/USEPA/US on 04/15/2009 08:28 AM -----

From: "Lu, Christopher P." **Personal Privacy**  
To: "Lu, Christopher P." **Personal Privacy** "Smith, Elizabeth S."  
**Personal Privacy** "Kimball, Astri B." **Personal Privacy** "Hurlbut,  
Brandon K." **Personal Privacy** "French, Michael J."  
**Personal Privacy** "Milakofsky, Benjamin E." **Personal Privacy**  
Date: 04/14/2009 07:32 PM  
Subject: COS Lunch/TPs

Dear Cabinet Chiefs of Staff:

- 1) Because of the COS retreat on Saturday, April 25, we won't be having a COS lunch next Tuesday, April 21.
- 2) Attached are talking points on the economic speech that the President gave at Georgetown today.
- 3) Attached are talking points on clean energy and energy independence.

Let me know if you have any questions.

--Chris

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Chris Lu  
Assistant to the President and Cabinet Secretary

**Personal Privacy**

**ENERGY POLICY TALKING POINTS:  
AN AMERICAN CLEAN ENERGY ECONOMY & ENERGY INDEPENDENCE**

President Obama is committed to a comprehensive energy plan that addresses the urgent need for jobs and economic growth and energy independence

For decades, Washington has ignored the energy crisis, imperiling our economy, our security and our planet. Now President Obama is committed to a comprehensive energy plan that will generate millions of clean energy jobs, break our dependence on foreign oil and reduce the threat of deadly pollution.

With the depletion of the world's oil reserves and the growing disruption of our climate, the development of clean, renewable sources of energy is the growth industry of the 21<sup>st</sup> Century. Obama says that our economic future demands we lead that competition.

- The President's energy policy will jump-start the creation of an American Clean Energy sector that will create millions of clean energy jobs. This sector will create good jobs at good wages in research for new technologies, for skilled workers who weatherize our homes and buildings, and for workers in the factories that manufacture wind turbines. These are good jobs that cannot be shipped overseas.
- Investments in a new American Clean Energy sector are critical to restoring America's role as a global leader in the clean energy industry. American businesses need these investments now to compete with companies in Asia and Europe whose countries are ahead of the United States in making aggressive investments in clean energy. Rather than sending billions overseas to pay for these technologies, we can start investing these dollars here in American jobs and innovation.
- We must make investments in clean and alternative energy sources that will reduce our dependence on foreign oil and begin making America energy independent. Investments in solar power, wind energy and bio-fuels will not only create clean energy jobs, they are also an important element in securing our economic and national security.
- As part of this comprehensive energy policy we must also take aggressive steps to crack down on corporations that pollute our rivers and streams, the water we drink and the air we breathe. These steps will also help to finally tackle global warming and its potentially catastrophic effects. It's important to remember that our approach to energy policy and attacking pollution and the effects of global warming are two sides of the same coin.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 12:38:47 PM  
**Subject:** Grant of reconsideration of NSR/PSD Rules

Lisa -- After a set of briefings from OAR and OECA, we are ready to announce reconsideration of three Bush-Administration NSR/PSD rules -- the PM 2.5 NSR/PSD rule, the definition of fugitive emissions rule and the NSR/PSD recordkeeping rule. The first of these is tied into the strategy on the Desert Rock power plant permit that Lisa H is spearheading.

The current thinking is to package the three together and issue simultaneous letters granting reconsideration. These letters will not indicate exactly how we intend to modify these rules but will make it clear that we have significant concerns with them and are taking the NSR/PSD program in a new direction. (There is another Bush NSR/PSD rule, on aggregation of emissions from multiple units at a source, that we have already stayed and are now reconsidering).

The enviros and many states will applaud these moves, since they have (as you know) been fighting a pitched battle against the Bush PSD/NSR "reforms."

The hope is to issue the letters granting reconsideration next week. OAR is developing a communication strategy and obviously needs to coordinate with Allyn and OPA.

There is also a problematic Bush PSD/NSR rule involving ethanol refineries but this raises tricky issues and will need additional discussion before we make a cut on reconsideration.

Let me know if you want more information. BOB

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

## Speech Talking Points: April 14, 2009

### **A COMPREHENSIVE STRATEGY: FROM RECESSION TO PROSPERITY**

- **Today President Obama outlined how each step his administration has taken to confront the economic crisis fits within a broader vision of how to move the economy from recession to recovery and ultimately to prosperity.** The President also spoke about the significant work that remains to be done to get the economy moving forward again.
- **In just under three months, President Obama has responded to an extraordinary set of economic challenges with extraordinary action** – action that has been unprecedented in both its scale and its speed.
- **Each action and policy the President has taken is driven by a larger vision of America’s future** – a future of sustained economic growth where prosperity is driven by sound investments that will allow this nation to lead the world in the technologies, innovations, and discoveries that will shape the 21<sup>st</sup> century.
- **While recessions are not uncommon, this recession was not caused by a normal downturn in the business cycle.** It was caused by a perfect storm of irresponsibility and poor decision-making that stretched from Wall Street to Washington to Main Street.
- **Facing the worst economic crisis since the Great Depression,** with interrelated problems that work off each other to feed a vicious economic downturn, **the President had no choice but to attack all fronts of the crisis at once.**

### **ADDRESSING THE ECONOMIC CRISIS ON ALL FRONTS**

- **The first step was to fight a severe shortage of demand in the economy.** The Federal Reserve did this by dramatically lowering interest rates last year to boost investment. President Obama and Congress also passed the largest recovery plan in our nation’s history – a plan that is already in the process of saving or creating 3.5 million jobs over the next two years and is putting money directly in people’s pockets with a tax cut for 95% of working families.
- The recovery plan has been the first step in confronting this economic crisis. **The second step has been to heal our financial system so that credit is once again flowing to the businesses and families who rely on it.**
- **The Administration has also moved aggressively to unfreeze markets and jumpstart lending outside the banking system,** where more than half of all lending in America actually takes place.

- **The Administration launched a plan to stabilize the housing market** that will save up to four million responsible homeowners from foreclosure and help many millions more re-finance.
- **The President also went to the meeting of the G20 nations in London to coordinate a global response to this global recession.**
- **All of these actions – the Recovery Act, the bank capitalization program, the housing plan, the strengthening of the non-bank credit market, the auto plan, and the work at the G20 – have been necessary pieces of the recovery puzzle.** They have been designed to increase aggregate demand, get credit flowing again to families and businesses, and help them ride out the storm.
- **Taken together, these actions are starting to generate signs of economic progress.** Because of the recovery plan, jobs are being saved or created. The housing plan has helped lead to a spike in the number of homeowners who are taking advantage of historically-low mortgage rates by refinancing. The program to support the market for auto and student loans has started to unfreeze this market and securitize more lending. And small businesses are seeing a jump in loan activity for the first time in months.
- **While we are seeing signs of recovery, it does not mean that hard times are over.** 2009 will continue to be a difficult year for America’s economy. The severity of this recession will cause more job loss, more foreclosures, and more pain before it ends. There is much more work to be done and the Administration will continue in it is unrelenting, day-by-day effort to fight for economic recovery on all fronts.

## **A NEW FOUNDATION FOR A NEW AMERICAN CENTURY**

- **Even as we continue to address the immediate crisis, the President firmly believes that our next task is to make sure such a crisis never happens again.** We cannot go back to the bubble and bust economy that led us to this point. We cannot continue to neglect the long-term threats to our prosperity -- threats that even after we emerge from the current recession will still remain as major obstacles in the way of our success in the 21<sup>st</sup> century.
- **We must lay a new foundation for growth and prosperity built upon five pillars that will grow our economy and make this new century another American century:**
  - New rules for Wall Street that will reward drive and innovation;
  - New investments in education that will make our workforce more skilled and competitive;
  - New investments in renewable energy and technology that will create new jobs and industries;
  - New investments in health care that will cut costs for families and businesses;
  - New savings in our federal budget that will bring down the debt for future generations.

- **The first pillar is to reform the outdated rules and regulations that allowed this crisis to happen in the first place.** The Administration has already begun to work with Congress to shape this new regulatory framework – and the President expects a bill to arrive on his desk for signature before the year is out.
- **The second pillar of this new foundation is an education system that finally prepares our workers for a 21<sup>st</sup> century economy.** To do that, President Obama has set a goal that will greatly enhance our ability to compete for the high-wage, high-tech jobs of the 21<sup>st</sup> century: by 2020, America will once more have the highest proportion of college graduates in the world.
- **The third pillar of this new foundation is to harness the renewable energy that will create millions of new jobs and the industries of the future.** The country that harnesses this energy will lead the 21<sup>st</sup> century – and it is time for America to lead again.
- **The fourth pillar of the new foundation is a 21<sup>st</sup> century health care system** where families, businesses, and government budgets aren't dragged down by skyrocketing insurance premiums.
- **The fifth pillar is restoring fiscal discipline** once this economy recovers. Already, the Administration has identified two trillion dollars in deficit-reductions over the next decade and announced procurement reform that will save the government \$40 billion. Altogether, this budget will reduce discretionary spending for domestic programs as share of the economy by more than 10% over the next decade to the lowest level since we began keeping records nearly half a century ago.
- **All of these efforts will require tough choices and compromises.** But the difficulties can't serve as an excuse for inaction.
- **A fundamental weakness in our political system is also to blame for our current situation.** For too long, too many in Washington put off hard decisions. There's been a tendency to score political points instead of working to solve real problems and confront the major challenges that will shape our future.
- **This can't be one of those times. The challenges are too great and the stakes are too high. We have been called to govern in extraordinary times** -- and that requires an extraordinary sense of responsibility.

**To:** CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 12:40:44 PM  
**Subject:** Re: Talking point  
[gtowneconomic.041409.doc](#)  
[Energy Policy Talking Points - One Page FINAL.pdf](#)

**Personal Privacy**

Note the strong statements about cracking down on traditional pollution.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Ray Spears/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/15/2009 08:33 AM  
Subject: Talking point

FYI. Please note below talking points on clean energy and energy independence, and on the President's economic speech at Georgetown.

Ray E. Spears, Esq.  
Deputy Chief of Staff  
Office of the Administrator (1101A)  
(202) 564-4715  
(202) 501-3202 FAX

----- Forwarded by Ray Spears/DC/USEPA/US on 04/15/2009 08:28 AM -----

From: "Lu, Christopher P." [Personal Privacy]  
To: "Lu, Christopher P." [Personal Privacy], "Smith, Elizabeth S." [Personal Privacy], "Kimball, Astri B." [Personal Privacy], "Hurlbut, Brandon K." [Personal Privacy], "French, Michael J." [Personal Privacy], "Milakofsky, Benjamin E." [Personal Privacy]  
Date: 04/14/2009 07:32 PM  
Subject: COS Lunch/TPs

Dear Cabinet Chiefs of Staff:

- 1) Because of the COS retreat on Saturday, April 25, we won't be having a COS lunch next Tuesday, April 21.
- 2) Attached are talking points on the economic speech that the President gave at Georgetown today.
- 3) Attached are talking points on clean energy and energy independence.

Let me know if you have any questions.

--Chris

-----  
Chris Lu  
Assistant to the President and Cabinet Secretary

(Cabinet Affairs) Personal Privacy

**Personal Privacy**

## Speech Talking Points: April 14, 2009

### **A COMPREHENSIVE STRATEGY: FROM RECESSION TO PROSPERITY**

- **Today President Obama outlined how each step his administration has taken to confront the economic crisis fits within a broader vision of how to move the economy from recession to recovery and ultimately to prosperity.** The President also spoke about the significant work that remains to be done to get the economy moving forward again.
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**ENERGY POLICY TALKING POINTS:  
AN AMERICAN CLEAN ENERGY ECONOMY & ENERGY INDEPENDENCE**

President Obama is committed to a comprehensive energy plan that addresses the urgent need for jobs and economic growth and energy independence

For decades, Washington has ignored the energy crisis, imperiling our economy, our security and our planet. Now President Obama is committed to a comprehensive energy plan that will generate millions of clean energy jobs, break our dependence on foreign oil and reduce the threat of deadly pollution.

With the depletion of the world's oil reserves and the growing disruption of our climate, the development of clean, renewable sources of energy is the growth industry of the 21<sup>st</sup> Century. Obama says that our economic future demands we lead that competition.

- The President's energy policy will jump-start the creation of an American Clean Energy sector that will create millions of clean energy jobs. This sector will create good jobs at good wages in research for new technologies, for skilled workers who weatherize our homes and buildings, and for workers in the factories that manufacture wind turbines. These are good jobs that cannot be shipped overseas.
- Investments in a new American Clean Energy sector are critical to restoring America's role as a global leader in the clean energy industry. American businesses need these investments now to compete with companies in Asia and Europe whose countries are ahead of the United States in making aggressive investments in clean energy. Rather than sending billions overseas to pay for these technologies, we can start investing these dollars here in American jobs and innovation.
- We must make investments in clean and alternative energy sources that will reduce our dependence on foreign oil and begin making America energy independent. Investments in solar power, wind energy and bio-fuels will not only create clean energy jobs, they are also an important element in securing our economic and national security.
- As part of this comprehensive energy policy we must also take aggressive steps to crack down on corporations that pollute our rivers and streams, the water we drink and the air we breathe. These steps will also help to finally tackle global warming and its potentially catastrophic effects. It's important to remember that our approach to energy policy and attacking pollution and the effects of global warming are two sides of the same coin.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 1:27:05 PM  
**Subject:** Re: I think the draft

Great, thanks.

**From:** Richard Windsor/DC/USEPA/US  
**To:** "David McIntosh" <mcintosh.david@epa.gov>  
**Cc:** "Eric Wachter" <wachter.eric@epa.gov>, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>  
**Date:** 04/15/2009 09:19 AM  
**Subject:** I think the draft

Statement for the ACES hearing is excellent. Thank you. Lj

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 7:46:03 PM  
**Subject:** Re: President Shirley

I prefer that you call him from Italy.

What do we need to do to circle back on the IGCC issue? What did you and Carol agree to yesterday?

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/15/2009 01:46 PM  
**Subject:** Re: President Shirley

What do u prefer? And we need to circle back on the IGCC issue right?

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/15/2009 08:21 AM EDT  
**To:** Richard Windsor  
**Subject:** President Shirley

When the memo from you goes out to the regions next Friday, President Shirley of the Navajo Nation will be able to quickly grasp the meaning of the memo for the Desert Rock project. Laura Yoshii and I again recommend a courtesy call to President Shirley to let him know our plans.

The wrinkle is that you'll be in Italy on Friday. We could arrange a call from Italy, as long as we have enough advance notice to schedule the call on President Shirley's end. Or Laura Yoshii could make the call.

Which do you prefer?

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 8:22:10 PM  
**Subject:** IGCC

**Deliberative**

Hope this helps. Let me know if I've answered a question you didn't have, and I'll try to answer the question you do have!

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 8:33:46 PM  
**Subject:** meeting on autos tomorrow morning at 10:30; LaHood wants to know if you can come

Tomorrow morning at 10:15, we are meeting with OECC and DOT on the upcoming meetings with the auto manufacturers regarding a national policy on vehicle standards. Sec. LaHood's chief of staff just let me know he is planning to attend the first part of the meeting and he wants to know if you can come, too. I think, if you are available, it would be terrific if you and LaHood appeared

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 9:06:25 PM  
**Subject:** Fw: President's box at the Kennedy Center

You are free April 21, if interested in having me find out more details.

Robert Goulding  
Director of Operations  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-4700  
(f) 202-501-1450

\*Please consider the environment before printing this e-mail  
----- Forwarded by Robert Goulding/DC/USEPA/US on 04/15/2009 05:06 PM -----

From: "Milakofsky, Benjamin E." <[Personal Privacy]>  
To: "Aida Rodriguez" <Aida.N.Rodriguez@hud.gov>, <Annie.Bradley@usdoj.gov>, "Bailey, Averyl E." <[Personal Privacy]>, "Daigle, Sandra F." <[Personal Privacy]>, "Dan Gross" <Daniel.J.Gross@HUD.gov>, "English, Leandra" <[Personal Privacy]>, Robert Goulding/DC/USEPA/US@EPA, "Henry, Delonnie CIV SD" <Delonnie.Henry@sd.mil>, "Jacquee Wright" <Jacquee.Wright@dhs.gov>, <Jacqueline.Colli@va.gov>, <Joan\_Padilla@ios.doi.gov>, "Julie Herr" <julie.herr@do.treas.gov>, <justin.nisly@dot.gov>, "Kathleen Herbek" <Kathleen.Herbek@va.gov>, <deLaTorre.Laura@dol.gov>, <lindsay.scola@hq.doe.gov>, "Lisa Hamar" <Lisa.Hamar@sd.mil>, "Lona Valmoro" <ValmoroLJ@state.gov>, "Maribel Duran" <Maribel.Duran@ed.gov>, <maryellen.brown@dhs.gov>, Megan Cryan/DC/USEPA/US@EPA, "Megan Robertson -- HUD" <Megan.A.Robertson@hud.gov>, "Rediger, Tony" <Tony.Rediger@hq.doe.gov>, "Sally Cluthe" <sally.cluthe@usda.gov>, "Sally Cluthe -- USDA" <sally.cluthe@osec.usda.gov>, "Sally Cluthe -- USDA" <sally.cluthe@usda.gov>, <sam.myers@ed.gov>, "Terri Johnson" <Terri\_Johnson@ios.doi.gov>, "Williams, Alice H." <[Personal Privacy]> <[Personal Privacy]>  
Date: 04/15/2009 05:04 PM  
Subject: President's box at the Kennedy Center

Hi Everyone!

We hope people at your agency had a good time at the Easter Egg Roll on Monday!

We would like to host members of the Cabinet and their spouse/guest in the President's box at the Kennedy Center. Ragtime is starting this weekend and we have reserved the box for April 21, 22 and 23.

Can you let us know if your principal is available to join some of the senior White House staff and other Members of the Cabinet on April 21, 22, or 23?

Thanks!

--Cabinet Affairs

From the Kennedy Center website:

In this brand-new production of the acclaimed Broadway musical *Ragtime*, the Kennedy Center turns back the clock to the start of the 20th century--a time when anything was possible and ragtime music was king! For many, New York City was the land of opportunity. A poor Jewish immigrant sells his "moving picture" books on the street. A wealthy Victorian couple welcomes a runaway into their home. A Harlem jazz pianist turns an issue of justice into a revolution. One by one, their personal journeys come alive as historic figures offer guidance and diversion-- among them escape artist Harry Houdini, auto tycoon Henry Ford, famed educator Booker T. Washington, and chorus girl Evelyn Nesbit. Together, their stories celebrate the struggle between tradition and independence... black and white... old and new... all in pursuit of the American dream. With its cast of vibrant characters, vivid sets and costumes, and Tony Award-winning book and score, *Ragtime* is the can't-miss theater event of spring 2009.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 9:55:13 PM  
**Subject:** Re: meeting on autos tomorrow morning at 10:30; LaHood wants to know if you can come

Excellent-thanks

----- Original Message -----

From: Richard Windsor  
Sent: 04/15/2009 05:03 PM EDT  
To: Lisa Heinzerling  
Cc: "Robert Goulding" <goulding.robert@epa.gov>  
Subject: Re: meeting on autos tomorrow morning at 10:30; LaHood wants to know if you can come  
Let's make it happen.

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/15/2009 04:33 PM EDT  
To: Richard Windsor  
Subject: meeting on autos tomorrow morning at 10:30; LaHood wants to know if you can come  
Tomorrow morning at 10:15, we are meeting with OECC and DOT on the upcoming meetings with the auto manufacturers regarding a national policy on vehicle standards. Sec. LaHood's chief of staff just let me know he is planning to attend the first part of the meeting and he wants to know if you can come, too. I think, if you are available, it would be terrific if you and LaHood appeared

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/15/2009 11:13:37 PM  
**Subject:** meeting on autos tomorrow morning

I'm very happy you're coming to the beginning of the meeting tomorrow.

Here are several things you might want to know going into the meeting:

1. Attendees: Sec. LaHood will be there, as you know. Carol B. is traveling and will not be there. Jody and Heather are apparently investigating whether someone from the Chief of Staff's office will attend. Otherwise, the group will be our team (you, me, Margo, and four others from OTAQ), NHTSA's team (I believe they're bringing 7 people), Jody, and Heather.
2. Message LaHood is expected to convey: this is a great opportunity; the two agencies should work as a team to get the deal done.
3. Message OECC wants DOT and EPA to convey: get this deal done; the teams should respect their own agencies' "equities," but should compromise where possible and get the deal done. (This message was conveyed by Jody to DOT's chief of staff when the chief of staff reported that Sec. LaHood was coming to the meeting.)

I believe you can decide on your own what message to convey.

4. Other messages I suggest you convey:

**Deliberative**

Thanks again. Hope your trip was good.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 2:14:23 AM  
**Subject:** Re: ClimateIntel.com » Part V — Implications Of Regulating CO2 as an NSR Pollutant

probably so, at this time

----- Original Message -----

From: Richard Windsor  
Sent: 04/15/2009 09:43 PM EDT  
To: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; "David McIntosh" <mcintosh.david@epa.gov>  
Subject: ClimateIntel.com » Part V — Implications Of Regulating CO2 as an NSR Pollutant  
FYI - would our technical folks agree? Lj

<http://climateintel.com/2009/04/09/part-v-%E2%80%94-implications-of-regulating-co2-as-an-nsr-pollutant/>

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 1:59:43 AM  
**Subject:** Re: briefing

I will (I'm sorry to say) be late for tomorrow's morning meeting.  
be there as early as I can.

**Personal Privacy**

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/15/2009 09:53 PM EDT  
**To:** Arvin Ganesan  
**Cc:** Lisa Heinzerling  
**Subject:** Re: briefing

I think we can decide on timing tomorrow morning at the morning mtg that will meet your needs. Lj

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 04/15/2009 08:04 PM EDT  
**To:** Richard Windsor  
**Cc:** Lisa Heinzerling  
**Subject:** briefing

Hi Lisa,

We're getting together the Hill briefings for Friday. Here is the outline, which will be followed by an issue.

Outline

It will be a powerpoint only presentation with no paper. It will, essentially, talk about how the supreme court directed EPA to review the latest science and determine whether GHG from mobile sources endanger the public welfare. Our focus will be how this is a science based product. We will then go on to talk about what this does and does not trigger, focusing on flexibility and dispelling popular misconceptions.

**Deliberative**

Thoughts?

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 12:04:00 AM  
**Subject:** briefing

Hi Lisa,

We're getting together the Hill briefings for Friday. Here is the outline, which will be followed by an issue.

Outline

It will be a powerpoint only presentation with no paper. It will, essentially, talk about how the supreme court directed EPA to review the latest science and determine whether GHG from mobile sources endanger the public welfare. Our focus will be how this is a science based product. We will then go on to talk about what this does and does not trigger, focusing on flexibility and dispelling popular misconceptions.

**Deliberative**

Thoughts?

---

ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 2:16:56 AM  
**Subject:** Re: IGCC

I'll get an answer tomorrow.

----- Original Message -----

From: Richard Windsor  
Sent: 04/15/2009 10:01 PM EDT  
To: Lisa Heinzerling  
Subject: Re: IGCC

Tx. That was v interesting but not the precise question. The question is whether to require IGCC for existing plants.

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/15/2009 04:22 PM EDT  
To: Richard Windsor  
Subject: IGCC

**Deliberative**

Hope this helps. Let me know if I've answered a question you didn't have, and I'll try to answer the question you do have!

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling" [heinzerling.lisa@epa.gov]; Lisa Heinzerling" [heinzerling.lisa@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 2:30:02 AM  
**Subject:** Re: ClimateIntel.com » Part V — Implications Of Regulating CO2 as an NSR Pollutant

**Deliberative**

----- Original Message -----

From: Richard Windsor

Sent: 04/15/2009 09:43 PM EDT

To: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; "David McIntosh" <mcintosh.david@epa.gov>

Subject: ClimateIntel.com » Part V — Implications Of Regulating CO2 as an NSR Pollutant

FYI - would our technical folks agree? Lj

<http://climateintel.com/2009/04/09/part-v-%E2%80%94-implications-of-regulating-co2-as-an-nsr-pollutant/>

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 6:37:12 PM  
**Subject:** FOR REVIEW

Below is a draft message from you to the EPA workforce tomorrow -- once we click send on the finding release. Please give your thoughts.

-----



Sincerely,

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 11:05:13 AM  
**Subject:** Fw: Tomorrow's meeting

fyi

----- Original Message -----

From: [joan.deboer@dot.gov]  
Sent: 04/16/2009 06:26 AM AST  
To: Lisa Heinzerling  
Subject: Re: Tomorrow's meeting

FYI--as of late last night the COS is planning to stop by the meeting at 10:15 with LaHood and Jackson.

----- Original Message -----

From: Heinzerling.Lisa@epamail.epa.gov <Heinzerling.Lisa@epamail.epa.gov>  
To: DeBoer, Joan <OST>  
Sent: Wed Apr 15 16:50:39 2009  
Subject: Re: Tomorrow's meeting

Do you want to let OECC know, or would you like me to do that?

From: <joan.deboer@dot.gov>  
To: Lisa Heinzerling/DC/USEPA/US@EPA  
Date: 04/15/2009 04:49 PM  
Subject: Re: Tomorrow's meeting

Great! I'm really glad it worked out. Thanks for making it happen.

----- Original Message -----

From: Heinzerling.Lisa@epamail.epa.gov  
<Heinzerling.Lisa@epamail.epa.gov>  
To: DeBoer, Joan <OST>  
Sent: Wed Apr 15 16:46:49 2009  
Subject: Re: Tomorrow's meeting

Joan,

Lisa Jackson will go to the meeting tomorrow morning. She'll look

forward to seeing Sec. LaHood there.

Please let me know if you have any questions -- 564-0582.

Thanks. This is a great idea.

Best,  
Lisa,

From: <joan.deboer@dot.gov>

To: Lisa Heinzerling/DC/USEPA/US@EPA

Date: 04/15/2009 04:04 PM

Subject: Tomorrow's meeting

Lisa,

I apologize for my delay in responding to your message about the NHTSA meeting with Mary Nichols and the unfinished business between NHTSA and EPA. I have been a bit disengaged from this issue now that Katie Thomson has joined the staff but I did want to touch base with you on several matters. Katie enjoyed meeting you and looks forward to working with EPA in the future on this and other issues.

**Deliberative**

I can be reached on my cell if you would like to discuss further.  
Personal Privacy

Thank you for your prompt attention to this request.

Best,

Joan,

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 7:49:05 PM  
**Subject:** Re: IGCC

Sorry for my confusion. Here's the answer.

# Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/15/2009 10:01 PM  
**Subject:** Re: IGCC

Tx. That was v interesting but not the precise question. The question is whether to require IGCC for existing plants.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/15/2009 04:22 PM EDT  
**To:** Richard Windsor  
**Subject:** IGCC

Deliberative

Hope this helps. Let me know if I've answered a question you didn't have, and I'll try to answer the question you do have!

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 7:33:54 PM  
**Subject:** exaggerated industry claims about costs

Pasted at the bottom of this message is a public backgrounder prepared by majority staff of the House Energy and Commerce Committee. We will include this information in your hearing prep binder.

Prepared by the Majority Staff of the House Energy and Commerce Committee March 31, 2009

Industry Predictions of the Costs of the Clean Air Act  
American Clean Energy and Security Act of 2009 – Discussion Draft

Special interests object to capping global warming pollution, arguing that the cost of the investments we're making in a clean energy future will crush businesses and consumers. But we've seen these kinds of claims from industry and its allies before. Opponents to the 1990 amendments to the Clean Air Act released cost estimates that turned out to be exorbitantly high.

**Overall Compliance Costs.** In August 1990, the Clean Air Working Group, the principal business lobby fighting the Clean Air Act Amendments of 1990, estimated that the 1990 amendments would cost industry between \$51 billion to \$91 billion a year. In fact, compliance costs are now estimated by EPA to be just \$22 billion annually upon full implementation of the law in 2005.

57% to 75% lower than industry claims

**Acid Rain Control.** Electric utilities fighting the new market-based acid rain provisions in the 1990 amendments estimated that the cost of an allowance to emit one ton of sulfur dioxide would range between \$1,000 and \$1,500. In fact, the cost of an SO<sub>2</sub> allowance is now under \$100.

90% to 93% less than industry estimated

Even the Bush Administration's estimates of acid rain costs, which were regarded at the time as optimistic, have proven to be significantly inflated. In 1990, the Administration estimated that the annualized compliance costs would be \$4 billion a year. In fact, the costs are now estimated by the congressional General Accounting Office to be just \$2 billion annually.

50% lower than the Administration calculated

**Preservation of the Ozone Layer.** In January 1990, the DuPont Company testified that accelerating the phaseout of ozone-depleting CFCs to July 1, 1996, would cause "severe economic and social disruption." At the same hearing, the Air-Conditioning and Refrigeration Institute testified that it was "certain" that "the large installed inventory which we depend upon in this country cannot survive. . . . We will see shutdowns of refrigeration equipment in supermarkets. . . . We will see shutdowns of chiller machines, which cool our large office buildings, our hotels, and hospitals." In fact, the phaseout of CFC production was accelerated to December 31, 1995, with industry rapidly developing alternatives and none of the severe dislocation predicted by industry taking place.

Met goal one year early

Motor Vehicle Standards. In May 1989, Ford Motor Company testified that “we just do not have the technology to comply” with the first tier of new tailpipe standards in the 1990 Amendments, not even with technology “on the horizon.” In fact, the motor vehicle industry began making vehicles that met the new standards in 1993.

Manufacture began one year early

Reformulated Gasoline. In October 1990, Mobil Corporation opposed the new Clean Air Act requirements for reformulated gasoline, writing that “the technology to meet these standards simply does not exist today” and predicting “major supply disruptions.” The California Air Resources Board predicted that reformulated gasoline would lead to a price increase of 12 to 17 cents per gallon. In fact, reformulated gasoline requirements went into effect without significant supply disruptions and reformulated gasoline today costs 8 to 15 cents more than conventional gasoline.

18% to 33% lower than air agency calculations

Stage II Recovery. In May 1989, the Petroleum Marketers Association of America testified that installing “stage II” vapor-recovery hoses at gasoline stations would cost between \$16,000 to \$60,000 per station, depending on the size of the station--and “could drive many independent marketers to financial failure.” In fact, costs have ranged from \$5,500 to \$23,000. There has been no widespread failure of gas stations.

66% less than industry predictions

Low Emission Vehicles. In February 1994, auto makers estimated the cost of low emission vehicles to be in excess of \$1,500 above the cost of comparable car models. In fact, the Honda Motor Company announced in 1995 that it would offer a vehicle meeting the California Air Resources Board low emission vehicle standards for only about \$100 more per vehicle.

93% lower than industry claims

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 8:20:51 PM  
**Subject:** cookstoves

I thought I was hearing incorrectly this morning when Beth Craig mentioned a NY Times article on cookstoves. Turns out I wasn't. Above the fold, even.

As it happens, we have a fellow here in the air office named Jacob Moss who has made cookstoves his personal ambition. Numbers in the Times article came from Jacob's work. And as it happens, today I had arranged an informal briefing for CEQ staff on Jacob's work on cookstoves. Cookstoves implicate a huge number of morally compelling issues -- air pollution and public health, climate, poverty, gender, race -- they're all involved. I'm not bringing anything to you for decision right at this moment, but I thought I'd let you know that EPA is doing important work on this and also give you a heads up that you'll be hearing more about it soon.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 8:27:41 PM  
**Subject:** Re: cookstoves

Yes, cc Beth.

Sorry, I'd forgotten I'd told you about this. (I'm just a little excited about it....)

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Cc:** "Eric Wachter" <wachter.eric@epa.gov>  
**Date:** 04/16/2009 04:25 PM  
**Subject:** Re: cookstoves

You had already told me abt Jacob and your plans to intro him at CEQ. Beth brought the cookstove article up at the G8 briefing before you arrived. She didn't mention Jacob by name but I thanked her for her staff's work. Sending Jacob a quick thank you. Cc beth?

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/16/2009 04:20 PM EDT  
**To:** Richard Windsor  
**Subject:** cookstoves

I thought I was hearing incorrectly this morning when Beth Craig mentioned a NY Times article on cookstoves. Turns out I wasn't. Above the fold, even.

As it happens, we have a fellow here in the air office named Jacob Moss who has made cookstoves his personal ambition. Numbers in the Times article came from Jacob's work. And as it happens, today I had arranged an informal briefing for CEQ staff on Jacob's work on cookstoves. Cookstoves implicate a huge number of morally compelling issues -- air pollution and public health, climate, poverty, gender, race -- they're all involved. I'm not bringing anything to you for decision right at this moment, but I thought I'd let you know that EPA is doing important work on this and also give you a heads up that you'll be hearing more about it soon.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 11:06:29 PM  
**Subject:** Fw: don't shoot the messenger

See below. I don't think Heather needs or wants any information beyond that which you two have provided Browner and her office in the past (on cars, on power-plant shoes dropping, on the mandatory reporting rule, etc.). Heather is just too swamped to find and repackage that information herself, and she probably also is not sure if there are any updates. My sense is that there are no updates. If that is the case, then Lisa H, would you be willing to just repackage that previously-provided info and send it to Heather? Administrator, would you be willing to have Lisa do that?

----- Forwarded by David McIntosh/DC/USEPA/US on 04/16/2009 07:03 PM -----

From: "Zichal, Heather R." [Personal Privacy]  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 04/16/2009 06:58 PM  
Subject: don't shoot the messenger

Do you have in one place, a list of upcoming energy and climate decisions/rule-makings that are pending in your agency and likely to pop out in the next 3 months or so? I have to compile a report for the COS by COB Monday. Is there someone on your team I can work with on this?

Heather Zichal  
Office of Energy and Climate Change  
Ph: [Personal Privacy]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 9:54:24 PM  
**Subject:** Fw: can you share a copy of the Administrator's remarks from yesterday?  
Nancy A. Grantham

Hope you got a chance to see this one.

Robert Goulding  
Director of Operations  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-4700  
(f) 202-501-1450

\*Please consider the environment before printing this e-mail  
----- Forwarded by Robert Goulding/DC/USEPA/US on 04/16/2009 05:54 PM -----

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Nancy Grantham/R1/USEPA/US@EPA  
**Cc:** Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Marcus McClendon/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Michael Thiem/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA  
**Date:** 04/16/2009 05:50 PM  
**Subject:** Re: can you share a copy of the Administrator's remarks from yesterday?

just wanted to be sure everyone saw this column (I think from the Standard-Times) re: the stakeholder meeting:

New Bedford environmental activists emboldened by meeting with EPA chief  
April 16, 2009 6:00 AM  
Jack Spillane, Standard-Times

Eddie Johnson and Buddy Andrade went to a meeting with a big honcho from the Environmental Protection Agency Wednesday morning and it was like no other such meeting they've attended in their long years of advocacy.

First off, the national director of the EPA was there, and, second off, that director, like themselves, was a person of color who grew up in an inner city.

Lisa Jackson comes from the Ninth Ward in New Orleans, the ward most devastated by Hurricane Katrina. Her own mother, according to EPA officials on the scene Wednesday, lost everything but her life after the storm.

Jackson understands firsthand the way environmental degradation happens far more frequently in inner-city neighborhoods than in more affluent ones.

And she made it clear in her remarks at the city's PCB-de-watering plant that she's not going to accept a traditional "noblesse oblige" attitude when it comes to dealing with minority and city residents on environmental issues.

Jackson praised the New Bedford activists she had just met with, and specifically mentioned the service they had performed on behalf of New Bedford.

"How extraordinary it is to see a group of advocates who are as diverse and as committed and as passionate and as feisty as the group is here," she said.

The EPA administrator was in New Bedford to make the kind of announcement that should have been made a long time ago: that the Obama administration, as part of its federal stimulus plan, will provide an additional \$25 million to \$35 million for the cleanup of PCBs in New Bedford Harbor, and more money next year.

Prior to Jackson's announcement, it was expected to take another 38 years to clean up the Acushnet River, at the slow rate the Clinton and Bush administrations had set aside funding.

Minority residents weren't the only "stakeholders" in the private meeting with Jackson — mainstream environmental and nonprofit groups (everyone from SEEAL, the Southeastern Environmental Education Alliance, to the Workforce Investment Board were also on hand).

But it was certainly the people of color who took the most hope from the example of a leader such as Jackson heading up the EPA, and that agency finally bringing badly needed funding to the city.

Andrade was among those circulating a petition earlier this year asking that more funding be designated for the cleanup.

"I was elated to be able to have someone who could understand what we're talking about," he said. "One of the biggest problems we've had in this city is how politics is handled and how backroom deals are done."

Andrade held the city's feet to the fire last year when the School Department and city government failed to require the designated number of minorities be hired for demolishing the Keith Junior High School.

Too many of the environmental groups who access EPA funding continue to be dominated by suburbanites who have none, or few minority members, on their boards and employ few minorities, Andrade said.

"(Jackson) could tell that this was a diverse group but not a unified group," he said.

Eddie Johnson, who tangled with the mayor last week when the city failed to announce ahead of time the removal of 65 tons of PCB-contaminated soil from the high school, saw it the same as Andrade.

He called on groups like SEEAL and the Coalition for Buzzards for Bay to be more inclusive.

"There needs to be organizations that, opposed to just looking for funding, need to step up to the plate and form partnerships to clean up the environment," he said.

"You can get all the money that you want to get but, if the environment is dirty, it's counter-productive."

Craig Dutra, the head of the nonprofit foundation that oversees SEEAL, said it was important for the advocacy groups to be in the room but drew a distinction between advocacy and education groups.

"The alliance recognizes the difference between environmental education and environmental advocacy," he said.

"Advocacy keep the government's feet to the fire, making sure there are adequate resources."

Mayor Scott Lang, who like Dutra has sometimes been at odds with the advocacy groups over their demands, said he would continue to work with them.

"I've been meeting with those groups regularly since I took office," he said.

They have to go through the same grant-based systems as everyone else and some of them have already successfully done that, he said.

"When they're right, I do everything I can to support it, and when they have a point of view that's not supportable, I try to explain to them why I don't think it is," he said.

Some of the groups made up of city residents — and they are by no means all minorities — aren't entirely convinced, however.

Both Johnson and Andrade said they're going to continue to follow their own consciences when holding those in power accountable.

From: Nancy Grantham/R1/USEPA/US

To: Allyn Brooks-LaSure/DC/USEPA/US@EPA

Cc: Eric Wachter/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Michael Thiem/DC/USEPA/US@EPA, Marcus McClendon/DC/USEPA/US@EPA

Date: 04/16/2009 07:28 AM

Subject: Re: can you share a copy of the Administrator's remarks from yesterday?

thanks ...

and what a pleasure it was working with all of you over the past week

thanks for the opportunity

ng

Allyn Brooks-LaSure/DC/USEPA/US

04/16/2009 07:18 AM

To Nancy Grantham/R1/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA

cc Michael Moats/DC/USEPA/US@EPA

Subject Re: can you share a copy of the Administrator's remarks from yesterday?

Of course - my colleague Mike can send over.

MABL.

-----

M. Allyn Brooks-LaSure

U.S. Environmental Protection Agency

Cell: [Personal Privacy](#)

----- Original Message -----

From: Nancy Grantham

Sent: 04/16/2009 07:06 AM EDT

To: Robert Goulding; Eric Wachter; Allyn Brooks-LaSure

Subject: can you share a copy of the Administrator's remarks from yesterday?

Our Acting RA leaves all employee voicemail messages for the region and we would like to use some of her great words from yesterday.

thanks

ng

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 11:21:50 PM  
**Subject:** Re: don't shoot the messenger

yes -- I'll send to Heather

**From:** Richard Windsor/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/16/2009 07:10 PM  
**Subject:** Re: don't shoot the messenger

Lisa has this that she did for me the other day.

----- Original Message -----

**From:** David McIntosh  
**Sent:** 04/16/2009 07:06 PM EDT  
**To:** Richard Windsor; Lisa Heinzerling  
**Subject:** Fw: don't shoot the messenger

See below. I don't think Heather needs or wants any information beyond that which you two have provided Browner and her office in the past (on cars, on power-plant shoes dropping, on the mandatory reporting rule, etc.). Heather is just too swamped to find and repackage that information herself, and she probably also is not sure if there are any updates. My sense is that there are no updates. If that is the case, then Lisa H, would you be willing to just repackage that previously-provided info and send it to Heather? Administrator, would you be willing to have Lisa do that?

----- Forwarded by David McIntosh/DC/USEPA/US on 04/16/2009 07:03 PM -----

**From:** "Zichal, Heather R." [Personal Privacy]  
**To:** David McIntosh/DC/USEPA/US@EPA  
**Date:** 04/16/2009 06:58 PM  
**Subject:** don't shoot the messenger

Do you have in one place, a list of upcoming energy and climate decisions/rule-makings that are pending in your agency and likely to pop out in the next 3 months or so? I have to compile a report for the COS by COB Monday. Is there someone on your team I can work with on this?

Heather Zichal  
Office of Energy and Climate Change  
Ph: [Personal Privacy]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US

**Sent:** Thur 4/16/2009 10:59:20 PM

**Subject:** Fw: EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

the game is afoot . . .

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/16/2009 06:57 PM -----

**From:** "Walke, John" <jwalke@nrdc.org>  
**To:** undisclosed-recipients;;  
**Date:** 04/16/2009 06:30 PM  
**Subject:** EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

InsideEPA.com - Thursday, April 16, 2009

EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

Environmentalists and some EPA staff are urging agency Administrator Lisa Jackson to downgrade the lead role the agency's Office of Policy, Economics & Innovation (OPEI) plays in coordinating regulatory and other policy reviews with the White House and instead return the program offices to their lead coordinating role.

The OPEI critics, who claim the office has played a major deregulatory role during the internal review process, say Jackson should revoke an April 2001 memo <[http://insideepa.com/secure/data\\_extra/dir\\_09/epa2009\\_0650.pdf](http://insideepa.com/secure/data_extra/dir_09/epa2009_0650.pdf)> from then-EPA Administrator Christine Todd Whitman that appointed OPEI as the coordinator for the internal approval process for rules

ready for review by the White House Office of Management & Budget (OMB).

Whitman's issuance of the memo was "like putting two foxes in the same hen house," says one environmentalist who supports revoking the Whitman memo. Some economists within OPEI "are cut from the same cloth as OMB and are skeptical of much of EPA's mission. . . . So these anti-regulatory economists get two whacks at the piñata," the source adds.

But some agency officials -- including staff and managers -- are concerned about possible plans to downgrade the office's role, saying it serves an important coordinating function. One source concerned about the move adds that it appears to be under consideration without discussion.

However, if EPA seeks to make changes to the office that result in changed job functions it will likely have to negotiate with labor unions as part of a contract, a process that could force discussion of the issue.

Both supporters and critics of the move say that Jackson's recent decision <[http://insideepa.com/secure/docnum.asp?f=epa\\_2001.ask&docnum=3132009\\_blogsaling](http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=3132009_blogsaling)> to quickly halt OPEI's Performance Track program -- which provided incentives including reduced inspection priority to facilities that committed to voluntary pollution reduction plans -- may signal a broader desire to reorganize the policy office.

The move is being considered as the Obama administration considers revisions to Executive Order (E.O.) 12866, which governs White House review of agency rules. The comment period on the revisions closed March 31.

Many EPA staff have already indicated they favor raising the economic threshold <[http://insideepa.com/secure/docnum.asp?f=epa\\_2001.ask&docnum=3312009\\_blogomb](http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=3312009_blogomb)> for OMB reviewing agency regulations, from \$100 million to \$250 million. But it is not clear whether the agency formally recommended such a move.

It is also unknown whether Jackson has rescinded the Whitman memo to reign in the role of OPEI, which is run out of the Office of the Administrator. EPA has made no public announcements about a possible policy office reorganization, and there are no updates on the agency's OPEI Web site, Jackson's page, or elsewhere that indicate the memo has been rescinded or is under review.

Jackson's spokeswoman declined to comment for this article but the administrator has in the past downplayed the need for a major overhaul of EPA. In a Feb. 27 interview <[http://insideepa.com/secure/docnum.asp?f=epa\\_2001.ask&docnum=2272009\\_jackson](http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=2272009_jackson)> with Inside EPA and other news organizations, she said that "in general" she is not a fan of reorganizations. "They take a lot of time, they're very disruptive when we have so much to do."

During the Bush administration, OPEI took on an elevated role in reviewing agency regulations. In addition to the Whitman memo, the office's role was further bolstered by 2007 amendments to E.O. 12866, which formalized the office's role in the regulatory review process. The amendment says unless specifically authorized by the head of an agency, "no rulemaking shall commence nor be included on the plan without the approval of the agency's regulatory policy office," which in the case of EPA is OPEI.

OPEI was also responsible for carrying out E.O. 13211 -- a 2001 executive order -- mandating that EPA and other agencies assess the energy impacts of regulatory decisions.

But the environmentalist, EPA staff and others say that the Obama EPA should swiftly restore the agency's air, waste, water and other program offices to the role of lead liaison with OMB on the rulemakings they develop. The policy office "interferes with EPA's core work," one agency source says.

The environmentalist adds, "I would very much welcome [revoking the memo] because the agency's experts that

are responsible for carrying out statutes and protecting the environment reside in the program offices. OPEI has always had a different agenda that is more aligned with OMB and deregulatory forces within industry."

A second EPA source says that the policy office's role should be reduced in the new administration, adding, "Our big problem is that everything the agency is doing has to be approved by OMB and OPEI first."

In Whitman's memo, the former administrator said that elevating the policy office "will produce better informed decisions and ensure that the nation's environmental protection system produces the best outcomes at an acceptable cost. Appropriate scientific, economic and policy analyses must be planned at early stages in the regulatory development process so that senior agency decision makers understand the benefits and costs of policy options from which to choose."

But critics charge that the memo has given OPEI significant authority to override EPA program offices on rulemakings and say the office is sometimes seen as an obstacle to strict rules.

Bush OPEI officials took steps to try and further boost the office's role in rule reviews, including an effort in 2007 by former OPEI head Brian Mannix to restructure the office [http://insideepa.com/secure/docnum.asp?f=epa\\_2001.ask&docnum=6282007\\_efforts](http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=6282007_efforts) to create new divisions overseeing voluntary programs and performance measurement approaches, which were priorities for Bush administration officials but have prompted concerns from some Democrats and activists.

The proposal -- which was ultimately abandoned -- also raised concerns among EPA staff, who feared it would have increased their workload and management scrutiny, which could delay an agreement on a final restructuring plan, according to an agency source familiar with the proposal.

Revoking the memo would "restore the program offices and their experts on law and science to being the ones that deal directly with OMB and negotiate over rules. They are involved in the current process but [OPEI's authority] adds a layer of skeptical review and ability to influence rules," the environmentalist says.

EPA's American Federation of Government Employees union in a Nov. 7 white paper [http://insideepa.com/secure/data\\_extra/dir\\_08/epa2008\\_1785.pdf](http://insideepa.com/secure/data_extra/dir_08/epa2008_1785.pdf) for then-President-elect Barack Obama urged the incoming administration to rescind E.O. 12866, "take OMB out of the role of 'gatekeeper' for environmental regulations, and restore EPA's lead programmatic, regulatory and scientific role in addressing global climate change." The union cited a Bush EPA advance notice on regulating greenhouse gases as a key example of OMB's influence, saying it was only finalized after extensive policy office and other agencies raised "complaints" and insisted on cuts to the notice.

According to a document added April 13 to OMB's docket on the executive order, top EPA officials met late last month with OMB to discuss changes to E.O. 12866, including Jackson advisor and former EPA Deputy Administrator Robert Sussman as well as top OPEI officials Louise Wise, Alexander Cristofaro, Leslie Schaaf and Nicole Owens. -- Anthony Lacey

4162009\_downgrade

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 11:26:36 PM  
**Subject:** short memo on EPA's modeling of the Waxman-Markey discussion draft  
Memo re EPA Modeling of ACES Draft.doc

I promised this to you today. But I'm not aware of any reason why you would need to read it tonight. It'll be included in the hearing prep binder that you get tomorrow. You might have seen that Axelrod has scheduled a joint hearing prep session for Monday evening. I think we are on track to ensure that you will impress at that session.

CONFIDENTIAL MEMORANDUM

**TO:** Administrator Jackson  
**FROM:** David McIntosh  
**CC:** Lisa Heinzerling  
**DATE:** April 17, 2009  
**RE:** Things to Know about EPA's Modeling of the Waxman-Markey Discussion Draft

**Deliberative**

# Deliberative

# Deliberative

## CONFIDENTIAL MEMORANDUM

TO: Administrator Jackson  
FROM: David McIntosh  
CC: Lisa Heinzerling  
DATE: April 17, 2009  
RE: Things to Know about EPA's Modeling of the Waxman-Markey Discussion Draft

---

This memo has four parts: (1) the process leading to this modeling report; (2) the key projections contained in the report; (3) the limitations of this modeling effort; and (4) key points about this type of EPA modeling.

### **The Process Leading to This Modeling Report**

On February 27, 2009, House Energy and Commerce Committee Chairman Waxman and Energy and Environment Subcommittee Markey sent you a letter requesting that EPA "estimate the impacts of our draft legislation as it is developed." We agreed, and we promised to deliver the requested report on April 20 (Monday). The report is now complete and is undergoing accelerated inter-agency review. It consists of a narrative executive summary, a primary Power Point document of about 40 slides, and an appendix Power Point document of about 120 slides. We will send the final report to the staffs of Chairmen Waxman and Markey on Monday. EPA will not do any press concerning the report. Rather, we will let Chairmen Waxman and Markey handle the initial public dissemination and publicity. By the time you testify on Wednesday, however, the report will be posted on EPA's website.

As you know, the discussion draft does not make clear how the government would use the value of the emission allowances. Our modelers asked Chairman Waxman's staff for some clarity in that regard, so that they could project the draft's economic impacts. Chairman Waxman's staff responded by directing our modelers to make the following assumptions regarding the use of allowance value:

- From 2012 through 2016, 2% of the allowances are used annually as bonuses for geological sequestration of CO<sub>2</sub>. From 2017 through 2050, 5% of the allowances are used annually for that purpose.
- From 2012 through 2025, 5% of the allowance value is used annually to purchase reductions in tropical deforestation. From 2026 through 2030, 3% of the allowance value is used annually for that purpose. From 2031 through 2050, 2% of the allowance value is used annually for that purpose.
- Each year of the program, 12.5% of the allowance value is used to promote energy efficiency.
- From 2012 through 2012, 15% of the allowances are distributed annually to the energy-intensive US manufacturers of highly trade-exposed products. Thereafter, the number of allowances used for this purpose will gradually phase down to zero over 10 years.
- Each year of the program, the government will auction and deposit (the proceeds, that is) into the Treasury however many allowances are necessary to preserve the program's neutrality from a budgetary perspective.

- At the end of each year of the program, however much allowance value remains for that year following the above allocations will be recycled to each US household in a lump sum.

### **The Key Projections Contained in the Report**

The market price of an emission allowance in the first capped year (2012) would be between \$12 and \$15. That price would rise at an annual rate of about 5%. By 2030, the price would be between \$28 and \$36.

The average impact on consumers would be modest. The program would reduce average annual household consumption by 0.1-0.2%. That is \$98-\$140 per year, or \$8-\$12 per month, or 27-38 cents per day. Moreover, average US household continues to rise year-by-year under the program. It simply does so at a rate that is imperceptibly lower than in the absence of the program.

In the early years of the program, most of the emissions reductions come from offsets, especially foreign ones.

Most of the reductions at facilities covered by the cap happen in the electric power sector. Only 5% of the reductions come from the transportation sector, even though it accounts for 30% of US emissions.

If the bill allowed projects to reduce landfill and coal-mine methane emissions to generate offsets (instead, the bill directs EPA to promulgate mandatory emissions limits for those sources), then cumulative domestic offset usage would increase by 45%, and allowance prices each year would decrease by 9%.

The first large projects to capture CO<sub>2</sub> at new coal-fueled power stations, pipeline the gas to geological storage sites, and inject it underground would begin to appear in the US by 2015. Similar projects at existing coal-fired power stations would begin to appear somewhat later. The bill would not have the effect of forcing many existing coal-fired power plants to shut down prior to the end of their projected lifetimes. Instead, slightly fewer new coal plants are built. Between 2010 and 2025, domestic coal-fueled electric power generation goes from 2,185 TWh to 2,033 TWh. In other words, it decreases by 7%.

Under the program, the electricity sector burns a lot less natural gas than in the absence of the program. Under the business-as-usual scenario, the US has added 79 GW of natural-gas fired capacity by 2025. Under the bill, the US has added only 46 GW of natural-gas fired capacity by that date. The reason is that, even once the allowance price is factored in, burning cheap coal remains cheaper than burning expensive natural gas all the way to 2050.

Under the business-as-usual scenario, US coal production for electricity generation increases by 2.7% from 2010 to 2025. Under the bill, US coal production for electricity generation decreases by 12% over that time-period. So, the industry does not die.

Nuclear electricity generation expands substantially, both compared to its current level and compared to the business-as-usual scenario. The same is true of renewables.

### **The Limitations of This Modeling Effort**

EPA did, at the Chairmen's request, model the impacts that the tailpipe standards and low-carbon fuel standard in the discussion draft would have on the transportation sector. But EPA did not have time to model the impacts that those provisions would have on the price of emission allowances (and, by extension, on the program's overall economic impact).

Moreover, EPA did not have time to model any of the impacts of the discussion draft's renewable electricity standard.

### **Key Points about This Type of EPA Modeling**

While different organizations use different computer models to project the impacts of climate and energy policies, EPA is one of the only – and perhaps the only – organization that simultaneously uses four overlapping computer models. Whereas other modeling operations end up feeding a lot of assumptions and human guesses into their economy-side models, EPA actually has modeled outputs (for example, from its detailed, electric power-sector model) to then feed into its economy-wide models. Moreover, each of EPA's two economy-wide models has certain strengths where the other has weaknesses. The result is that the two models end up compensating for each other's weaknesses in EPA's final report.

Each of EPA's four computer models, and each use that EPA makes of those models, has been through multiple, recent rounds of exhaustive peer review (see slides 15-17 of the appendix to the EPA modeling report for Waxman-Markey). Few if any other climate/energy modeling efforts have been subjected to as much open scrutiny by experts. All of the protocols and assumptions within EPA's models are public. The same cannot be said of some of the industry-backed modeling efforts.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/16/2009 11:52:46 PM  
**Subject:** Re: don't shoot the messenger

I just checked in with Allyn about whether the WH already has the list I prepared. He said -- to his knowledge -- that we hadn't actually given the list to anyone. So I just wanted to make extra sure you want me to send the list to Heather. It has rules and dates on it that you haven't cleared (e.g., NSPS).

**From:** Richard Windsor/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/16/2009 07:10 PM  
**Subject:** Re: don't shoot the messenger

Lisa has this that she did for me the other day.

----- Original Message -----

**From:** David McIntosh  
**Sent:** 04/16/2009 07:06 PM EDT  
**To:** Richard Windsor; Lisa Heinzerling  
**Subject:** Fw: don't shoot the messenger

See below. I don't think Heather needs or wants any information beyond that which you two have provided Browner and her office in the past (on cars, on power-plant shoes dropping, on the mandatory reporting rule, etc.). Heather is just too swamped to find and repackage that information herself, and she probably also is not sure if there are any updates. My sense is that there are no updates. If that is the case, then Lisa H, would you be willing to just repackage that previously-provided info and send it to Heather? Administrator, would you be willing to have Lisa do that?

----- Forwarded by David McIntosh/DC/USEPA/US on 04/16/2009 07:03 PM -----

**From:** "Zichal, Heather R." Deliberative  
**To:** David McIntosh/DC/USEPA/US@EPA  
**Date:** 04/16/2009 06:58 PM  
**Subject:** don't shoot the messenger

Do you have in one place, a list of upcoming energy and climate decisions/rule-makings that are pending in your agency and likely to pop out in the next 3 months or so? I have to compile a report for the COS by COB Monday. Is there someone on your team I can work with on this?

Heather Zichal  
Office of Energy and Climate Change  
Ph: Personal Privacy

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 12:01:09 AM  
**Subject:** Re: don't shoot the messenger

Ok -- thanks.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/16/2009 07:56 PM  
**Subject:** Re: don't shoot the messenger

Check that - Axelrod and his guy David Simus have the list.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/16/2009 07:52 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: don't shoot the messenger

I just checked in with Allyn about whether the WH already has the list I prepared. He said -- to his knowledge -- that we hadn't actually given the list to anyone. So I just wanted to make extra sure you want me to send the list to Heather. It has rules and dates on it that you haven't cleared (e.g., NSPS).

**From:** Richard Windsor/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/16/2009 07:10 PM  
**Subject:** Re: don't shoot the messenger

Lisa has this that she did for me the other day.

----- Original Message -----

**From:** David McIntosh  
**Sent:** 04/16/2009 07:06 PM EDT  
**To:** Richard Windsor; Lisa Heinzerling  
**Subject:** Fw: don't shoot the messenger

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----- Forwarded by David McIntosh/DC/USEPA/US on 04/16/2009 07:03 PM -----

From: "Zichal, Heather R." [Deliberative]  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 04/16/2009 06:58 PM  
Subject: don't shoot the messenger

Do you have in one place, a list of upcoming energy and climate decisions/rule-makings that are pending in your agency and likely to pop out in the next 3 months or so? I have to compile a report for the COS by COB Monday. Is there someone on your team I can work with on this?

Heather Zichal  
Office of Energy and Climate Change  
Ph: Personal Privacy

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 12:19:49 AM  
**Subject:** tomorrow

you'll be the world's hero

**To:** Fulton.Scott@epamail.epa.gov;McIntosh.David@epamail.epa.gov;"Lisa Heinzerling"  
[Heinzerling.Lisa@epamail.epa.gov]; clntosh.David@epamail.epa.gov;"Lisa Heinzerling"  
[Heinzerling.Lisa@epamail.epa.gov]; Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov];  
pears.Ray@epamail.epa.gov;Hooks.Craig@epamail.epa.gov;Mulkey.Marcia@epamail.epa.gov;"  
Allyn Brooks-Lasure" [brooks-lasure.allyn@epa.gov];  
ooks.Craig@epamail.epa.gov;Mulkey.Marcia@epamail.epa.gov;"Allyn Brooks-Lasure" [brooks-  
lasure.allyn@epa.gov]; ulkey.Marcia@epamail.epa.gov;"Allyn Brooks-Lasure" [brooks-  
lasure.allyn@epa.gov]; Allyn Brooks-Lasure" [brooks-lasure.allyn@epa.gov]; Eric Wachter"  
[Wachter.Eric@epamail.epa.gov]; anesan.Arvin@epamail.epa.gov;"David Cohen"  
[Cohen.David@epamail.epa.gov]; David Cohen" [Cohen.David@epamail.epa.gov]; Bob  
Sussman" [Sussman.Bob@epamail.epa.gov]  
**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 1:12:40 AM  
**Subject:** Cancelled- Morning Briefing

Please be advised that tomorrow's morning briefing is cancelled. Thank you.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David Cohen/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 3:54:52 PM  
**Subject:** the next phase

Wow! I honestly believe that today marks the first real step down the long road toward ending America's self-destructive addiction to fossil fuels. This action ultimately will make pale by comparison the requirements that led to the catalytic converter. When the haze of inevitable political arguments begins to fade, and the full importance of the direction we're now taking becomes clear, great credit will go to the President, where it belongs.

I also believe, foolishly perhaps, that our friend will find greater team play unavoidable as we enter the all-critical legislative phase. You, Lisa and David soon will have new best friends among key staffers, Waxman, Boxer, Pelosi and Reid. As Harry Truman famously said, "If you want a friend in Washington, get a dog." I would only add, "If the dog doesn't work out, join someone in pursuing a legislative goal." It's the same thing.

There will be tough political challenges ahead. My money is on you.

I had lunch with Bill Reilly's right-hand guy this week.

**Deliberative**

**Deliberative**

**Deliberative**

This type of chatter serves no one well.. Let's hope that soon we'll all be best friends in common cause.

Have a fun Earth Day weekend. You've kinda earned it. Look forward to seeing you on the Daily Show.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David Cohen/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 3:56:48 PM  
**Subject:** Fw: EPA Made History Today

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\*\*\*\*\*

This message is being sent to all EPA Employees.

Please do not reply to this mass mailing.

\*\*\*\*\*

[\(embedded image\)](#)

[\(embedded image\)](#)

i hope you are sitting at a desktop computer where you can see the photo of you that accompanies your message.

very, very cool!

----- Forwarded by David Cohen/DC/USEPA/US on 04/17/2009 11:55 AM -----

**From:** Message from the Administrator  
**To:** All EPA Employees  
**Date:** 04/17/2009 11:52 AM  
**Subject:** EPA Made History Today

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\*\*\*\*\*

This message is being sent to all EPA Employees.

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\*\*\*\*\*

Colleagues:

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will

work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson



**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 4:44:50 PM

I'm sorry about lunch - Allyn asked me to do a call with enviros at noon and in the rush of the day we didn't let you know.

I'm in your outside office now - have a call with states and cities at 1.

**To:** All EPA Employees[]  
**From:** Message from the Administrator  
**Sent:** Fri 4/17/2009 4:14:42 PM  
**Subject:** EPA Made History Today  
[Visit the Agency's Intranet for More Information](#)  
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[Hotspot](#)

\*\*\*\*\*

This message is being sent to all EPA Employees.  
Please do not reply to this mass mailing.

\*\*\*\*\*

[\(embedded image\)](#)  
[\(embedded image\)](#)

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\*\*\*\*\*

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\*\*\*\*\*

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As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 7:14:13 PM  
**Subject:** Re: ClimateIntel.com » Part V — Implications Of Regulating CO2 as an NSR Pollutant

just returning to this now -- am tracking this down for you

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>  
**Date:** 04/15/2009 09:43 PM  
**Subject:** ClimateIntel.com » Part V — Implications Of Regulating CO2 as an NSR Pollutant

FYI - would our technical folks agree? Lj

<http://climateintel.com/2009/04/09/part-v-%E2%80%94-implications-of-regulating-co2-as-an-nsr-pollutant/>



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 9:06:36 PM  
**Subject:** low-GHG-emitting vehicles guidance and NODA on conditional use of CO2 as refrigerant

Two items have trickled in. Each is, I'm happy to report, pretty straightforward.

**Deliberative**

Please let me know if you disagree with these recommendations. Thank you.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 9:15:59 PM  
**Subject:** RFS2

**Deliberative**

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA[]; N=Ray Spears/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/17/2009 11:45:41 PM  
**Subject:** Blackberry's down

Not that folks will be sending furious blackberry messages tonight - but apparently the server will be down from 8pm until midnight.

MABL.

-----

M. Allyn Brooks-LaSure  
U.S. Environmental Protection Agency

Cell: Personal Privacy

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[];  
N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[];  
N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
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N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
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N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
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N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[];  
N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Ray Spears/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/18/2009 12:11:20 PM  
**Subject:** Fw: A few items from Cabinet Affairs

Ray E. Spears, Esq.  
Deputy Chief of Staff  
Office of the Administrator (1101A)  
(202) 564-4715  
(202) 501-3202 FAX

From: "Lu, Christopher P." [Personal Privacy]

Sent: 04/17/2009 07:08 PM AST

To: "Lu, Christopher P." <[REDACTED] Personal Privacy [REDACTED] "Smith, Elizabeth S." [REDACTED] Personal Privacy [REDACTED] "Kimball, Astri B." [REDACTED] Personal Privacy [REDACTED] "Hurlbut, Brandon K." [REDACTED] Personal Privacy [REDACTED] "French, Michael J." [REDACTED] Personal Privacy [REDACTED] "Milakofsky, Benjamin E." [REDACTED] Personal Privacy [REDACTED]>  
Subject: A few items from Cabinet Affairs

Dear Cabinet Chiefs of Staff/Schedulers:

1) The Cabinet reception with the President and First Lady has been rescheduled for Tuesday, April 28 at 7:00 p.m. The reception is for the Cabinet member and a guest. Please let Ben Milakofsky know if the Cabinet member will attend and the name of his/her guest.

2) The Vice President will be convening a meeting on Recovery Act implementation on April 23 at 10:45 a.m. in the Vice President's ceremonial office. Please let Ben know if your principal or a representative will attend.

3) As I mentioned the other day, the President will be speaking about Monday's Cabinet meeting in his radio address tomorrow. Here is the relevant excerpt of the speech:

"If we're to going to rebuild our economy on a solid foundation, we need to change the way we do business in Washington. We need to restore the American people's confidence in their government – that it is on their side, spending their money wisely, to meet their families' needs.

That starts with the painstaking work of examining every program, every entitlement, every dollar of government spending and asking ourselves: Is this program really essential? Are taxpayers getting their money's worth? Can we accomplish our goals more efficiently or effectively some other way?

It's a process we have already begun, scouring our budget line by line for programs that don't work so we can cut them to make room for ones that do. That means ending tax breaks for companies shipping jobs overseas; stopping the fraud and abuse in our Medicare program; and reforming our health care system to cut costs for families and businesses. It means strengthening whistleblower protections for government employees who step forward to report wasteful spending. And it means reinstating the pay-as-you-go rule that we followed during the 1990s – so if we want to spend, we'll need to find somewhere else to cut.

And this Monday, at my first, full Cabinet meeting, I will ask all of my department and agency heads for specific proposals for cutting their budgets. Already, members of my Cabinet have begun to trim back unnecessary expenditures. Secretary Napolitano, for example, is ending consulting contracts to create new seals and logos that have cost the Department of Homeland Security \$3 million since 2003. In the largest Department, Secretary Gates has launched an historic project to reform defense contracting procedures and eliminate hundreds of

billions of dollars in wasteful spending and cost overruns. And I commend Senators McCain and Levin – a Republican and a Democrat – who have teamed up to lead this effort in Congress.

Finally, in the coming weeks, I will be announcing the elimination of dozens of government programs shown to be wasteful or ineffective. In this effort, there will be no sacred cows, and no pet projects. All across America, families are making hard choices, and it's time their government did the same.”

--Chris

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
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N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA[];  
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
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N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia  
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N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
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Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
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N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA[];  
N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA[]; N=Ray Spears/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/19/2009 7:08:56 PM  
**Subject:** Upcoming Announcements/Actions

To help Allyn plan near-term communications strategy, I am providing below a preliminary list of major announcements/actions that are in the works over the next several weeks. This list is undoubtedly incomplete. Please add items that you know are upcoming and believe will/should involve the Administrator.

I know Allyn is planning a meeting soon to review communications planning for the next 60 days so your additions to the list will be timely and much appreciated.

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Scott

Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/19/2009 7:32:18 PM  
**Subject:** Re: Upcoming Announcements/Actions

I made one addition to the list. Please use the revised list below. thanks.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

To help Allyn plan near-term communications strategy, I am providing below a preliminary list of major announcements/actions that are in the works over the next several weeks. This list is undoubtedly incomplete. Please add items that you know are upcoming and believe will/should involve the Administrator.

I know Allyn is planning a meeting soon to review communications planning for the next 60 days so your additions to the list will be timely and much appreciated.

**Deliberative**

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/18/2009 10:00:40 PM  
**Subject:** Re: A few items from Cabinet Affairs

Ok on the daily show. Is this date pretty solid with WH?

MABL.

-----

M. Allyn Brooks-LaSure  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

From: Richard Windsor  
Sent: 04/18/2009 10:22 AM EDT  
To: "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>; Craig Hooks  
Subject: Fw: A few items from Cabinet Affairs

1 - Re-schedule the Daily Show

2. Craig to cover VP mtg.

Tx.

From: Ray Spears  
Sent: 04/18/2009 08:11 AM EDT  
To: Richard Windsor; Eric Wachter; Robert Goulding; Scott Fulton; Bob Sussman; Allyn Brooks-LaSure;  
David McIntosh; Craig Hooks; Lisa Heinzerling  
Subject: Fw: A few items from Cabinet Affairs

Ray E. Spears, Esq.  
Deputy Chief of Staff  
Office of the Administrator (1101A)  
(202) 564-4715  
(202) 501-3202 FAX

From: "Lu, Christopher P." **Personal Privacy**

Sent: 04/17/2009 07:08 PM AST

To: "Lu, Christopher P." [Personal Privacy] "Smith, Elizabeth S."  
[Personal Privacy] "Kimball, Astri B." [Personal Privacy] "Hurlbut, Brandon K."  
[Personal Privacy] "French, Michael J." [Personal Privacy] "Milakofsky,  
Benjamin E." [Personal Privacy]

Subject: A few items from Cabinet Affairs

Dear Cabinet Chiefs of Staff/Schedulers:

1) The Cabinet reception with the President and First Lady has been rescheduled for Tuesday, April 28 at 7:00 p.m. The reception is for the Cabinet member and a guest. Please let Ben Milakofsky know if the Cabinet member will attend and the name of his/her guest.

2) The Vice President will be convening a meeting on Recovery Act implementation on April 23 at 10:45 a.m. in the Vice President's ceremonial office. Please let Ben know if your principal or a representative will attend.

3) As I mentioned the other day, the President will be speaking about Monday's Cabinet meeting in his radio address tomorrow. Here is the relevant excerpt of the speech:

"If we're to going to rebuild our economy on a solid foundation, we need to change the way we do business in Washington. We need to restore the American people's confidence in their government – that it is on their side, spending their money wisely, to meet their families' needs.

That starts with the painstaking work of examining every program, every entitlement, every dollar of government spending and asking ourselves: Is this program really essential? Are taxpayers getting their money's worth? Can we accomplish our goals more efficiently or effectively some other way?

It's a process we have already begun, scouring our budget line by line for programs that don't work so we can cut them to make room for ones that do. That means ending tax breaks for companies shipping jobs overseas; stopping the fraud and abuse in our Medicare program; and reforming our health care system to cut costs for families and businesses. It means strengthening whistleblower protections for government employees who step forward to report wasteful spending. And it means reinstating the pay-as-you-go rule that we followed during the 1990s – so if we want to spend, we'll need to find somewhere else to cut.

And this Monday, at my first, full Cabinet meeting, I will ask all of my department and agency heads for specific proposals for cutting their budgets. Already, members of my Cabinet have begun to trim back unnecessary expenditures. Secretary Napolitano, for example, is ending consulting contracts to create new seals and logos that have cost the Department of Homeland Security \$3 million since 2003. In the largest Department, Secretary Gates has launched an historic project to reform defense contracting procedures and eliminate hundreds of

billions of dollars in wasteful spending and cost overruns. And I commend Senators McCain and Levin – a Republican and a Democrat – who have teamed up to lead this effort in Congress.

Finally, in the coming weeks, I will be announcing the elimination of dozens of government programs shown to be wasteful or ineffective. In this effort, there will be no sacred cows, and no pet projects. All across America, families are making hard choices, and it's time their government did the same.”

--Chris

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/19/2009 10:24:25 PM  
**Subject:** fyi

**Deliberative**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/19/2009 11:27:20 PM  
**Subject:** Re: fyi

# Deliberative

Eager to talk tomorrow.

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/19/2009 06:56 PM EDT  
**To:** Lisa Heinzerling  
**Subject:** Re: fyi

# Deliberative

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/19/2009 06:24 PM EDT  
**To:** Richard Windsor  
**Subject:** fyi

I just talked to Cass. Apparently Heather Zichal in Carol Browner's office called him, in a state, to say that a major announcement on PSD was coming from EPA this Friday, April 24. I explained to him that this was a memo he and I had already discussed and that had been the subject of a memo from you to Carol B. and Rahm E. almost three weeks ago. I wanted to let you know in case you hear something about this.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/20/2009 2:31:29 PM  
**Subject:** Fw: Thank you  
[Hotspot](#)  
[ddoniger@nrdc.org](mailto:ddoniger@nrdc.org)  
[www.nrdc.org](http://www.nrdc.org)  
<http://switchboard.nrdc.org/blogs/ddoniger/>

Date 04/17/2009 06:53 PM  
From "Doniger, David" <ddoniger@nrdc.org>  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject Thank you

Lisa,

My personal thanks for the job just done. I greatly appreciate your firm and fast action on the endangerment determination. After 10 years of work, a sweet moment. We've done our best today to reinforce your messages.

Take the rest of the day off.

David

David D. Doniger  
Policy Director, Climate Center  
Natural Resources Defense Council  
1200 New York Ave., NW  
Washington, DC 20005  
Phone: (202) 289-2403  
NRDC Cell: Personal Privacy  
Personal Cell: Personal Privacy  
Fax: (202) 789-0859  
[ddoniger@nrdc.org](mailto:ddoniger@nrdc.org)  
on the web at [www.nrdc.org](http://www.nrdc.org)  
read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

OEX Processing Information  
Processed Date:  
Processed By  
PO Office            Category:

Message Count

**To:** Richard Windsor/DC/USEPA/US@EPA[]  
**From:** "Lisa Jackson"  
**Sent:** Mon 4/20/2009 2:58:18 PM  
**Subject:** Fw: EPA Administrator Jackson Invite Ltr  
~MAP0065.PDF

Sent from my Verizon Wireless BlackBerry

From: "Tanya Lombard"  
Date: Mon, 20 Apr 2009 10:12:43 -0400  
To: < **Personal Privacy** >  
Subject: EPA Administrator Jackson Invite Ltr

Lisa,

Howlie Davis sent this over to your office I believe a few weeks ago....He is really good guy he use to work with Secretary O'Leary and he is someone in Washington I think you should meet. Hope you are having a ball I saw you in Ebony...Happy Monday H.G.! So are you not going home at all for Jazz Fest? I am leaving on Thursday.

Tanya

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]; Robert Goulding" [Goulding.Robert@epamail.epa.gov]  
**Cc:** "Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]; Eric Wachter" [Wachter.Eric@epamail.epa.gov]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 1:57:19 AM  
**Subject:** Fw:

See below. I want to send this to Dianne too, but her email isn't in the directory yet, and I'm not completely confident I have the spelling of her first and last names right.

From: "Freeman, Jody L." [Personal Privacy]  
Sent: 04/20/2009 09:52 PM AST  
To: Lisa Heinzerling; David McIntosh  
Cc: "Zicha, Heather R." [Personal Privacy]

Lisa and David,

We just came from a follow up meeting on today's cabinet meeting. The President has asked the COSTo have each agency provide a list of their upcoming announcements and come in for a strategy session to make sure that they mesh well with the legislative strategy. We appreciate that you guys already sent over a list of upcoming announcements—much appreciated. Given that you have some pressing ones, like this Friday's memo to the Regions, Pete and Mona were wondering if the Administrator might be available to come in and discuss everything tomorrow late in the day.

Also, Phil wanted us to mention that he would make himself available tomorrow to spend some more time with the Administrator to help with testimony and Q &A if she thinks it would be valuable.

Let me know and thanks a lot.

Jody Freeman

Counselor for Energy and Climate Change

The White House

**Personal Privacy**



CH2M HILL  
State & Local Government Affairs  
901 New York Avenue, NW  
Suite 5100 West  
Washington, DC 20001  
Tel 202.513.4604  
Fax 202.513.4704

March 20, 2009

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Ms. Jackson:

On behalf of the employees of CH2M HILL, I would like to invite you to speak at either breakfast, lunch or evening reception to our company's Board of Directors and Senior Executives on Wednesday, May 6<sup>th</sup>, or breakfast on Thursday, May 7<sup>th</sup>, 2009 at CH2M HILL's Washington, DC office located at 901 New York Avenue, NW – Suite 5100 West.

An employee-owned company, CH2M HILL is a global leader in engineering, construction, consulting, operations, and related technical services for public and private clients. With more than \$6 billion in revenue and 25,000 employees worldwide, CH2M HILL delivers innovative, practical, sustainable solutions – helping clients develop and manage infrastructure and facilities that improve efficiency, safety, and quality of life.

Our CEO, Lee McIntire, and the Board would appreciate hearing your perspective on the agenda for the 111<sup>th</sup> Congress particularly in the area of energy, environment, and infrastructure, and any other topics you may wish to share with us. Understanding your busy schedule, we can be very flexible to accommodate participation.

These events are part of the annual CH2M HILL Board of Directors' Meeting which is held in the nation's capital. Please have your staff contact me or Mariko Bennett of our Washington office at (202) 393.2426 regarding your availability.

We hope you can honor us with your presence and insight.

Sincerely yours,

A handwritten signature in black ink that reads "Howie R. Davis".

Howie R. Davis  
Senior Vice President  
Government Affairs

Enclosure

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;"David McIntosh" [mcintosh.david@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 10:49:16 AM  
**Subject:** Re:

I'm available any time after the EMA meeting ends at 4 for this meeting on upcoming regulatory activities. (They asked for late in the day, so I'm not giving earlier times.)

From: Richard Windsor  
Sent: 04/20/2009 11:01 PM EDT  
To: David McIntosh; Robert Goulding  
Cc: Lisa Heinzerling; Eric Wachter; "David McIntosh" <mcintosh.david@epa.gov>  
Subject: Re:

Rob abd Eric - I think we can cancel anything we need to except UMA and EMA. Please schedule the mtg with Pete Rouse and Mona Sutphen by working w Lisa H and/or David.

Lj

From: David McIntosh  
Sent: 04/20/2009 09:57 PM EDT  
To: Richard Windsor; Robert Goulding  
Cc: Lisa Heinzerling; Eric Wachter  
Subject: Fw:

See below. I want to send this to Dianne too, but her email isn't in the directory yet, and I'm not completely confident I have the spelling of her first and last names right.

From: "Freeman, Jody L." [Personal Privacy]  
Sent: 04/20/2009 09:52 PM AST  
To: Lisa Heinzerling; David McIntosh  
Cc: "Zichal, Heather R." [Personal Privacy]

Lisa and David,

We just came from a follow up meeting on today's cabinet meeting. The President has asked the COSto have each agency provide a list of their upcoming announcements and come in for a strategy session to make sure that they mesh well with the legislative strategy. We appreciate that you guys already sent over a list of upcoming announcements—much appreciated. Given that you have some pressing ones, like this Friday's memo to the Regions, Pete and Mona were wondering if the Administrator might be available to come in and discuss everything tomorrow late in the day.

Also, Phil wanted us to mention that he would make himself available tomorrow to spend some more time with the Administrator to help with testimony and Q &A if she thinks it would be valuable.

Let me know and thanks a lot.

Jody Freeman

Counselor for Energy and Climate Change

The White House

**Personal Privacy**

**To:** brooks-lashure.allyn@epa.gov;windsor.richard@epa.gov[]; indsor.richard@epa.gov[]  
**Cc:** []  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 5:34:05 PM  
**Subject:** Intro to Session 1

As noted, I think our opening intervention needs to project energy, initiative, and forward movement -- in short to set a positive tone. We shouldn't/can't afford to limp into this. Here's my thought for approach that accomplishes this without diminishing press punch for LPJ on Day 2. Let me know your thoughts. Please make sure that, among other things, you're comfortable with the cross-walk between legislation and regulatory efforts. Feel free to edit. Cheers, Scott

**Deliberative**



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 12:28:11 PM  
**Subject:** Gina

Lisa, this blurb is from today's E&E:

Sen. James Inhofe (R-Okla.), ranking member of the committee, indicated in McCarthy's confirmation hearing that Obama's nominee could face the same fate. "The Senate has not confirmed a nominee for this position in eight years -- due entirely to opposition from my colleagues on the other side of the aisle," Inhofe said. "Opposition arose from allegations that nominees failed to provide timely and complete answers to questions submitted to them."

# Deliberative

ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Ray Spears/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 8:01:11 PM  
**Subject:** New FOIA Request: HQ-RIN-01129-09 (K. Winston)

FYI below is a recent FOIA request that may be of interest.

Ray E. Spears, Esq.  
Deputy Chief of Staff  
Office of the Administrator (1101A)  
(202) 564-4715  
(202) 501-3202 FAX  
----- Forwarded by Ray Spears/DC/USEPA/US on 04/21/2009 03:59 PM -----

**From:** Trina Porter/DC/USEPA/US  
**To:** Ray Spears/DC/USEPA/US@EPA  
**Cc:** Deborah Johnson/DC/USEPA/US@EPA, Brian Hope/DC/USEPA/US@EPA, Rory Boyd/DC/USEPA/US@EPA  
**Date:** 04/21/2009 03:52 PM  
**Subject:** HQ-RIN-01129-09 (K. Winston)

The Office of the Administrator is in receipt of a Freedom of information Act request as follows:

Requestor: Kate Winston

Firm: Inside EPA

Type of Requestor: Media

Request: The full text of the responses of Regina McCarthy, the nominee to be EPA Assistant Administrator for the Office of Air and Radiation, to questions from every member of the Senate Environmental and Public Works Committee following McCarthy's April 2, 2009 confirmation hearing. (Specifically, the requestor seeks all questions asked by every member that is Republican and Democratic of the Senate Environmental Public Works Committee both prior to and after the April 2, 2009 confirmation hearing. Requests the answers provided by McCarthy to every Committee member either before or after the hearing. Pleased provide all attachments including reports, e-mails, notes, fact sheets, charts, maps, data, CD-ROMs, etc... or as mentioned in EPA or McCarthy's answers that were enclosed and/or attached as separate documents/materials with the responses provided to the Senators. e.g., where a possible answer may refer to "see attached document." Please include all of those documents. Similarly, where a question refers to an attached document, please include that document.)

Environmental and Public Works Committee Members: Barbara Boxer, CA, Chairwoman, Max Baucus, Mt., Thomas R. Carper, Del., Frank R. Lautenberg, N.J., Benjamin L. Cardin, MD, Bernard Sanders, VT, Amy Klobuchar, Mn., Sheldon Whitehouse, R.I., Tom Udall, N.M., Jeff Merkley, Or., Kirsten Gillibrand, N.Y., James Inhofe, Ok., George V. Voinovich, Oh., David Vitter, La., John Barrasso, Wy., Arlen Specter, Pa., Mike Crapo., Id., Christopher Bond, Mo., Lamar Alexander, Tn.,

Notes: Requestor has asked for expedited request. Please notify me if the costs are going to be more than \$14.00. Requestor has asked for a fee waiver request.

This has been assigned to OCIR.

Please provide cost worksheet or the amount of hours expended for search time and hourly wage for the annual report. This information is needed even if the fee waiver is granted.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 10:56:31 PM  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

You can wait to call President Shirley until you're back on Monday now that the memo isn't going out on Friday.

On the motion for Monday, did you understand there to be limits on this as well?

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Lisa Heinzerling" <heinzerling.lisa@epa.gov>  
**Date:** 04/21/2009 06:51 PM  
**Subject:** Fw: URGENT - need for the mtg I am in

----- Original Message -----

**From:** Eric Wachter  
**Sent:** 04/21/2009 05:42 PM EDT  
**To:** Richard Windsor  
**Cc:** Aaron Dickerson  
**Subject:** Re: URGENT - need for the mtg I am in  
Sorry, just got this.

1. No EPA issued PSD permits during this timeframe.
2. There could be delegated States issuing PSD permits on EPA's behalf (maybe 2 or 3).
3. Likely that States will issue PSD permits under their own State rules.
4. Don't know about any enforcement cases.
5. No major briefs due to EAB or the Courts on any Federal PSD permit proceeding or rulemaking action during this time.

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Eric Wachter" <wachter.eric@epa.gov>  
**Date:** 04/21/2009 05:14 PM  
**Subject:** URGENT - need for the mtg I am in

Ask steve page from research triangle park if there are any deadlines in PSD cases coming after desert rock and before memorial day

**To:** "Allyn Brooks-LaSure" [Brooks-LaSure.Alyn@epamail.epa.gov]  
**Cc:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]; Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 10:02:03 PM  
**Subject:** Fw: Intro to Session 1

Hi Allyn - I'm getting ready to tune out for the evening on this end. Please get me any thoughts you have on this this evening, if at all possible. By your morning, I'll be in the session in which I'm hoping to offer this commentary. Thanks!

From: Scott Fulton  
Sent: 04/21/2009 01:34 PM EDT  
To: brooks-lashure.allyn@epa.gov; windsor.richard@epa.gov  
Subject: Intro to Session 1

As noted, I think our opening intervention needs to project energy, initiative, and forward movement -- in short to set a positive tone. We shouldn't/can't afford to limp into this. Here's my thought for approach that accomplishes this without diminishing press punch for LPJ on Day 2. Let me know your thoughts. Please make sure that, among other things, you're comfortable with the cross-walk between legislation and regulatory efforts. Feel free to edit. Cheers, Scott

# Deliberative

# Deliberative

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 11:13:31 PM  
**Subject:** good news

RFS2 has cleared OMB review (again...).

They still need to get the preamble and rule from us so that they can officially clear the package. They'll do this late tomorrow afternoon. That means that tomorrow night or Thursday, a notice will be posted on their website indicating that the package has cleared. They'll be prepared for press inquiries on this. We should be prepared, too. I'll coordinate with Allyn.

I haven't sent the preamble to the WH yet because Margo's team was still working on it. They will send it to me tomorrow.

Do we need to send the preamble to the WH before we send it to OMB? Will the WH be commenting on the preamble? If so, then we need to delay OMB clearance until the rest of the WH has signed off on it.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 11:29:28 PM  
**Subject:** Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator

Office of the Administrator  
US Environmental Protection Agency

**To:** windsor.richard@epa.gov[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 11:33:07 PM  
**Subject:** First Day....

Lisa,

My first day is coming to an end, and I just want to check-in and quickly say, thank you, for having me here and part of your team.

It's been a good beginning. Allyn has been fantastic today helping me get settled, meet everyone in the group and start getting quickly up-to-speed. He's clearly done a great job hiring and leading the group. I'm really looking forward to working with him.

Good luck on the Hill tomorrow morning (i won't make the trip, as I realize how c+

**To:** windsor.richard@epa.gov[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 11:42:05 PM  
**Subject:** My First Day

Lisa -- my email below sent before I completed it....I'm still getting used to Lotus Notes!

---

Lisa,

My first day is coming to an end, and I just want to check-in and quickly say, thank you, for having me here and part of your team.

It's been a good beginning. Allyn has been fantastic today helping me get settled, meet everyone, and start getting quickly up-to-speed. He's clearly done a great job hiring and leading the group. I'm really looking forward to working with him.

Good luck on the Hill tomorrow morning (i won't make the trip, as I realize how crowded the room will be), have a good trip to Italy and I'll see you back here the week after next.

If there is anything I can do in the meantime, please let me know. Personal Privacy

Seth

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 11:42:12 PM  
**Subject:** final Q&A - hope it's helpful

Headline "Top Administration Officials Give Encouragement to House Cap-and-Trade Effort"

**Deliberative**

**Deliberative**

**Deliberative**

**Deliberative**

**Deliberative**

**Deliberative**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 12:00:02 AM  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

Do you mean yes to both items in the email below? Yes to postponing Pres. Shirley call and yes to limits on the motion for Monday?

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/21/2009 07:33 PM  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

Yes

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/21/2009 06:56 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

You can wait to call President Shirley until you're back on Monday now that the memo isn't going out on Friday.

On the motion for Monday, did you understand there to be limits on this as well?

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Lisa Heinzerling" <heinzerling.lisa@epa.gov>  
**Date:** 04/21/2009 06:51 PM  
**Subject:** Fw: URGENT - need for the mtg I am in

----- Original Message -----

**From:** Eric Wachter  
**Sent:** 04/21/2009 05:42 PM EDT  
**To:** Richard Windsor  
**Cc:** Aaron Dickerson  
**Subject:** Re: URGENT - need for the mtg I am in

Sorry, just got this.

1. No EPA issued PSD permits during this timeframe.
2. There could be delegated States issuing PSD permits on EPA's behalf (maybe 2 or 3).
3. Likely that States will issue PSD permits under their own State rules.

4. Don't know about any enforcement cases.
5. No major briefs due to EAB or the Courts on any Federal PSD permit proceeding or rulemaking action during this time.

From: Richard Windsor/DC/USEPA/US  
To: "Eric Wachter" <wachter.eric@epa.gov>  
Date: 04/21/2009 05:14 PM  
Subject: URGENT - need for the mtg I am in

Ask steve page from research triangle park if there are any deadlines in PSD cases coming after desert rock and before memorial day

**To:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA]  
**Cc:** "Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]; Richard Windsor"  
[Windsor.Richard@epamail.epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/21/2009 11:50:32 PM  
**Subject:** Re: Fw: Intro to Session 1

# Deliberative

MABL

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

**From:** Scott Fulton/DC/USEPA/US  
**To:** "Allyn Brooks-LaSure" <Brooks-LaSure.Allyn@epamail.epa.gov>  
**Cc:** "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Lisa Heinzerling"  
<Heinzerling.Lisa@epamail.epa.gov>  
**Date:** 04/21/2009 06:02 PM  
**Subject:** Fw: Intro to Session 1

Hi Allyn - I'm getting ready to tune out for the evening on this end. Please get me any thoughts you have on this this evening, if at all possible. By your morning, I'll be in the session in which I'm hoping to offer this commentary. Thanks!

**From:** Scott Fulton  
**Sent:** 04/21/2009 01:34 PM EDT  
**To:** brooks-lasure.allyn@epa.gov; windsor.richard@epa.gov  
**Subject:** Intro to Session 1

As noted, I think our opening intervention needs to project energy, initiative, and forward movement -- in short to set a positive tone. We shouldn't/can't afford to limp into this. Here's my thought for approach that accomplishes this without diminishing press punch for LPJ on Day 2. Let me know your thoughts. Please make sure that, among other things, you're comfortable with the cross-walk between legislation and regulatory efforts. Feel free to edit. Cheers, Scott

# Deliberative

# Deliberative

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 12:02:59 AM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for immediate Feedback

# Deliberative

**From:** Bob Sussman/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric  
Wachter/DC/USEPA/US@EPA  
**Date:** 04/21/2009 07:29 PM  
**Subject:** Reconsideration of NSR Rules -- Need for immediate Feedback

Deliberative

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 12:14:07 AM  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

What are the limits in the motion?

----- Original Message -----

From: Richard Windsor  
Sent: 04/21/2009 08:08 PM EDT  
To: Lisa Heinzerling  
Subject: Re: Fw: URGENT - need for the mtg I am in  
Yes to both. Sorry.

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/21/2009 08:00 PM EDT  
To: Richard Windsor  
Subject: Re: Fw: URGENT - need for the mtg I am in  
Do you mean yes to both items in the email below? Yes to postponing Pres. Shirley call and yes to limits on the motion for Monday?

From: Richard Windsor/DC/USEPA/US  
To: Lisa Heinzerling/DC/USEPA/US@EPA  
Date: 04/21/2009 07:33 PM  
Subject: Re: Fw: URGENT - need for the mtg I am in

Yes

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/21/2009 06:56 PM EDT  
To: Richard Windsor  
Subject: Re: Fw: URGENT - need for the mtg I am in  
You can wait to call President Shirley until you're back on Monday now that the memo isn't going out on Friday.

On the motion for Monday, did you understand there to be limits on this as well?

From: Richard Windsor/DC/USEPA/US  
To: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>  
Date: 04/21/2009 06:51 PM  
Subject: Fw: URGENT - need for the mtg I am in

----- Original Message -----

From: Eric Wachter

Sent: 04/21/2009 05:42 PM EDT

To: Richard Windsor

Cc: Aaron Dickerson

Subject: Re: URGENT - need for the mtg I am in

Sorry, just got this.

1. No EPA issued PSD permits during this timeframe.
2. There could be delegated States issuing PSD permits on EPA's behalf (maybe 2 or 3).
3. Likely that States will issue PSD permits under their own State rules.
4. Don't know about any enforcement cases.
5. No major briefs due to EAB or the Courts on any Federal PSD permit proceeding or rulemaking action during this time.

From: Richard Windsor/DC/USEPA/US

To: "Eric Wachter" <wachter.eric@epa.gov>

Date: 04/21/2009 05:14 PM

Subject: URGENT - need for the mtg I am in

Ask steve page from research triangle park if there are any deadlines in PSD cases coming after desert rock and before memorial day

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 6:43:16 AM  
**Subject:** Re: Fw: Intro to Session 1

Thanks Allyn - Just what I needed. Will revise accordingly. Any thoughts on whether LPJ will want to do a press conference or availability while here (separate from the closing conference)?  
Can somebody send me the Administrator's testimony for the morning's hearing? Thanks!  
See you soon,  
Scott

----- Original Message -----

From: Allyn Brooks-LaSure  
Sent: 04/21/2009 07:50 PM EDT  
To: Scott Fulton  
Cc: Lisa Heinzerling; Richard Windsor  
Subject: Re: Fw: Intro to Session 1

# Deliberative

MABL.

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

From: Scott Fulton/DC/USEPA/US  
To: "Allyn Brooks-LaSure" <Brooks-LaSure.Allyn@epamail.epa.gov>  
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Lisa Heinzerling" <Heinzerling.Lisa@epamail.epa.gov>  
Date: 04/21/2009 06:02 PM  
Subject: Fw: Intro to Session 1

Hi Allyn - I'm getting ready to tune out for the evening on this end. Please get me any thoughts you have on this this evening, if at all possible. By your morning, I'll be in the session in which I'm hoping to offer this commentary. Thanks!

From: Scott Fulton  
Sent: 04/21/2009 01:34 PM EDT

To: brooks-lashure.allyn@epa.gov; windsor.richard@epa.gov  
Subject: Intro to Session 1

As noted, I think our opening intervention needs to project energy, initiative, and forward movement -- in short to set a positive tone. We shouldn't/can't afford to limp into this. Here's my thought for approach that accomplishes this without diminishing press punch for LPJ on Day 2. Let me know your thoughts. Please make sure that, among other things, you're comfortable with the cross-walk between legislation and regulatory efforts. Feel free to edit.  
Cheers, Scott

# Deliberative

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**Cc:** "David McIntosh" [McIntosh.David@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 11:43:01 AM  
**Subject:** Fw: comments on CCS article

Below is a preliminary assessment from technical staff of the article on CCS you sent to David and me last week.

----- Original Message -----

From: Anhar Karimjee  
Sent: 04/21/2009 10:16 AM EDT  
To: Lisa Heinzerling  
Subject: comments on CCS article

Preliminary thoughts on the key conclusions in the article:

**Deliberative**

Anhar Karimjee

---

U.S. Environmental Protection Agency

Climate Change Division  
phone: (202) 343-9260  
fax: (202) 343-2202

From: Lisa Heinzerling/DC/USEPA/US  
To: Anhar Karimjee/DC/USEPA/US@EPA  
Date: 04/17/2009 03:13 PM  
Subject:

Anhar, Are you the right person to ask about the technical conclusions in the attached? If not, do you know who might be? Thanks a lot -- Lisa

<http://climateintel.com/2009/04/09/part-v-%E2%80%94-implications-of-regulating-co2-as-an-nsr-pollutant/>

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 12:16:06 PM  
**Subject:** Re: good news

ok

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/22/2009 08:14 AM  
**Subject:** Re: good news

We committed to send preamble to Carol and Jody. We should do that today and let them know we are planning to send pkg to OMB tomorrow.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/21/2009 07:13 PM EDT  
**To:** Richard Windsor  
**Subject:** good news  
RFS2 has cleared OMB review (again...).

They still need to get the preamble and rule from us so that they can officially clear the package. They'll do this late tomorrow afternoon. That means that tomorrow night or Thursday, a notice will be posted on their website indicating that the package has cleared. They'll be prepared for press inquiries on this. We should be prepared, too. I'll coordinate with Allyn.

I haven't sent the preamble to the WH yet because Margo's team was still working on it. They will send it to me tomorrow.

Do we need to send the preamble to the WH before we send it to OMB? Will the WH be commenting on the preamble? If so, then we need to delay OMB clearance until the rest of the WH has signed off on it.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 12:05:17 PM  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

got it -- thanks

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/22/2009 07:50 AM  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

Sorry. I will call Pres Shirley when I get back. I understood the memo to be revised to address specific issues pertaining to Desert Rock (tho all understood that such a memo could be held up by advocates on either side as setting precedent for other facilities). We didn't discuss the motion and besides the general principle articulated at the mtg, I have nothing to add.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/21/2009 08:14 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: URGENT - need for the mtg I am in  
What are the limits in the motion?

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/21/2009 08:08 PM EDT  
**To:** Lisa Heinzerling  
**Subject:** Re: Fw: URGENT - need for the mtg I am in  
Yes to both. Sorry.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/21/2009 08:00 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: URGENT - need for the mtg I am in  
Do you mean yes to both items in the email below? Yes to postponing Pres. Shirley call and yes to limits on the motion for Monday?

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/21/2009 07:33 PM  
**Subject:** Re: Fw: URGENT - need for the mtg I am in

Yes

----- Original Message -----

From: Lisa Heinzerling

Sent: 04/21/2009 06:56 PM EDT

To: Richard Windsor

Subject: Re: Fw: URGENT - need for the mtg I am in

You can wait to call President Shirley until you're back on Monday now that the memo isn't going out on Friday.

On the motion for Monday, did you understand there to be limits on this as well?

From: Richard Windsor/DC/USEPA/US

To: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>

Date: 04/21/2009 06:51 PM

Subject: Fw: URGENT - need for the mtg I am in

----- Original Message -----

From: Eric Wachter

Sent: 04/21/2009 05:42 PM EDT

To: Richard Windsor

Cc: Aaron Dickerson

Subject: Re: URGENT - need for the mtg I am in

Sorry, just got this.

1. No EPA issued PSD permits during this timeframe.
2. There could be delegated States issuing PSD permits on EPA's behalf (maybe 2 or 3).
3. Likely that States will issue PSD permits under their own State rules.
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From: Richard Windsor/DC/USEPA/US

To: "Eric Wachter" <wachter.eric@epa.gov>

Date: 04/21/2009 05:14 PM

Subject: URGENT - need for the mtg I am in

Ask Steve Page from Research Triangle Park if there are any deadlines in PSD cases coming after Desert Rock and before Memorial Day



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 12:13:54 PM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for immediate Feedback

# Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
**Date:** 04/22/2009 08:11 AM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for immediate Feedback

## Deliberative

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/21/2009 08:02 PM EDT  
**To:** Bob Sussman  
**Cc:** Diane Thompson; Eric Wachter; Richard Windsor  
**Subject:** Re: Reconsideration of NSR Rules -- Need for immediate Feedback

# Deliberative

**From:** Bob Sussman/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
**Date:** 04/21/2009 07:29 PM  
**Subject:** Reconsideration of NSR Rules -- Need for immediate Feedback

Deliberative

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 3:39:26 PM  
**Subject:** portland cement NSPS

I heard your testimony was excellent.

As we talked about at yesterday's meeting with Mona and Pete et al., EPA is, by consent decree, required to issue a final NSPS for Portland cement plants by May 31. EPA did not propose adding GHGs to the emissions controlled at these facilities because it said it wasn't required to include them in the NSPS review and because this would be part of the GHG ANPR process instead.

**Deliberative**

**Deliberative**

**Deliberative**

I believe this is consistent with the path sketched out yesterday. Please let me know if you think differently.

Have a great trip.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 3:50:10 PM  
**Subject:** Fw: Nice to meet you  
Hotspot

----- Forwarded by Brian Hope/DC/USEPA/US on 04/22/2009 11:46 AM -----

Date 04/22/2009 11:40 AM  
From "Albertani, Bevin Power" <balbertani@liuna.org>  
To **Personal Privacy**  
cc LisaP Jackson/DC/USEPA/US@EPA  
Subject Nice to meet you

Hello Lisa,

I just wanted to send you my contact information electronically, and to say how nice it was to meet you last night.

Good Luck today with all your interviews and what not on the interview circuit. If you are free to have dinner some time, I'd love to talk to you more – shoot me an email when you are free (and my hubby will take the baby that night.)

Happy Earth Day!

Bevin

Ms. Bevin P. Albertani  
Legislative and Political Director  
LiUNA!  
Laborers' International Union of North America  
905 16th St., NW  
Washington, DC 20006  
202-942-2272  
Cel: **Personal Privacy**  
balbertani@liuna.org

OEX Processing Information

Processed Date:

Processed By

PO Office            Category:

Message Count

**To:** "Richard Windsor" [Windsor.richard@epa.gov]  
**Cc:** "David McIntosh" [mcintosh.david@epa.gov]; Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 6:11:02 PM  
**Subject:** Gibbs today

Robert Gibbs on AF1 today:

Q Robert, the op-ed piece by Secretary Chu and Solis was pretty tough about making polluters pay -- it was pretty tough about making polluters pay. Is that a reference to how you're going to handle cap-and-trade?

MR. GIBBS: Well, I mean, look, I think the notion of a cap-and-trade system is to provide a monetary incentive for renewable energy, similar to what the Northeast did in the '80s, late '80s and early '90s dealing with acid rain, that you put a price on pollution because we know that there's a negative economic consequence to it, and that you reduce the level of that cap, thus providing incentives for people to find ways to conduct their activities while producing less pollution. It's a market-based system that has worked in the past and can work in the future.

Q -- the initial credits are going to come with a price tag, or may the initial credits be free?

MR. GIBBS: The initial -- the outline -- the President's plan outlined in the campaign would monetize those credits on the front end. But I think what's important and what you'll see today -- as a little background -- I think a little bit on the trip today, you know, you've got a manufacturing facility, a former Maytag manufacturing facility in Newton that closed up shop and now is producing valuable parts for wind turbines that -- if you take a look at some of the statistics, Iowa now is the second largest wind producer in the nation. About half of their -- a little more than half of their wind-making capacity was added just last year.

This plant has hired some former Maytag employees. They're looking to probably expand, based on the incentives that the recovery plan provides to further make wind energy cost-effective.

So I think there are many messages that when we move to a clean energy economy, when we reduce our dependence on foreign oil, we're creating the jobs of the future. We're taking care of not just our energy problems but we're dealing with our economic security. And I think today is a perfect backdrop and the site is a perfect backdrop to demonstrate that clean energy means good jobs.

MABL.

-----

M. Allyn Brooks-LaSure

U.S. Environmental Protection Agency  
Cell: Personal Privacy

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 10:04:08 PM  
**Subject:** great news

GM is in.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 10:03:38 PM  
**Subject:** Re: HEADS UP . . . LPJ just called. she is going to send you both an email.

Hi Lisa --

I'm sorry we missed your call. What's up?

I guess you'll be in Italy when you get this. Buon giorno.

Lisa

**From:** Georgia Bednar/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Date:** 04/22/2009 05:07 PM  
**Subject:** HEADS UP . . . LPJ just called. she is going to send you both an email.

Georgia Lynn Bednar  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-9816

**Personal Privacy** Cell

"It takes courage to grow up and turn out to be who you really are." - e.e. cummings

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/23/2009 3:18:52 AM  
**Subject:** T and I hearing timeline

Hi lisa,

You did great today. I hope italy is going well. You have another hearing one week from today, on the 29th.

It is significantly less complicated than the climate hearing. Its house t and I on stimulus oversight and you and lahood will be testifying. Epas role in front of this cmte is limited, we have srf funding, brownfields and a couple other small programs.

We have briefing time scheduled for tuesday and here is the schedule I propose for the next week.

Thursday (tomorrow) - I get you your oral testimony for your review (the written will go to omb earlier). It would be great to get your edits by monday cob.

Friday - ill get you a short overview memo via email.

Monday - it would be great if you could get edits by cob on monday.

Tues - briefing

Weds - hearing

Does that work?

Thanks and hope you're enjoying yourself at least a little...

Arvin

Sent from my Blackberry Wireless Device

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 10:03:22 PM  
**Subject:** Fw: OPL Update: Earthjustice Alert on 4.22: Earth Day Stunner: EPA Regulates Mercury from Cement Kilns  
[EPA's just-released regulations on mercury from cement kilns](#)  
[See our special mercury report](#)  
[Take Action: Send support messages to EPA.](#)  
[standards](#)  
[150 cement kilns](#)  
[Cementing a Toxic Legacy?](#)  
[study](#)  
<http://www.earthjustice.org/library/features/cement-kilns/interactive-map-of-featured-cement-kilns.html>  
<http://www.earthjustice.org/library/features/cement-kilns/mercury-emissions-from-cement-production.html>  
<http://www.earthjustice.org/library/features/cement-kilns/mercury-and-bioaccumulation.html>  
[Sportfishing in America: An Economic Engine and Conservation Powerhouse](#)

Earthjustice loves us! (That's something)

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/22/2009 06:02 PM -----

**From:** Bonnie Piper/DC/USEPA/US  
**To:** oster.seth@epa.gov, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Michael Thiem/DC/USEPA/US@EPA, Amy Dewey/DC/USEPA/US@EPA, Emil Knutti/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Rob Brenner/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Alison Davis/RTP/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, Erin Birgfeld/DC/USEPA/US@EPA, Amy Dewey/DC/USEPA/US@EPA, Roger Campbell/DC/USEPA/US@EPA, Doretta Reaves/DC/USEPA/US@EPA, John Larmett/DC/USEPA/US@EPA, Lina Younes/DC/USEPA/US@EPA, Bonnie Piper/DC/USEPA/US@EPA, Jean Harding/DC/USEPA/US@EPA, Jeffrey Levy/DC/USEPA/US@EPA, Jeff Morin/DC/USEPA/US@EPA, Christine Dibble/DC/USEPA/US@EPA, Kay Morrison/DC/USEPA/US@EPA, Wanda Loving/DC/USEPA/US@EPA  
**Date:** 04/22/2009 05:27 PM  
**Subject:** OPL Update: Earthjustice Alert on 4.22: Earth Day Stunner: EPA Regulates Mercury from Cement Kilns

from this afternoon's 4.22 Earthjustice Alerts and below that, Earthjustice's April 19 press release on the same

Earth Day Stunner: EPA Regulates Mercury from Cement Kilns

BREAKING NEWS...BREAKING NEWS  
EPA Sets Strict Limits on Mercury from Cement Kilns

One thousand lives can be saved each year under EPA's just-released regulations on mercury from cement kilns. This historic action follows years of Earthjustice efforts in court and in Congress to force government control of this highly toxic substance. See our special mercury report: Cement kilns near you ... Videos on mercury in the environment ... How mercury affects living creatures ... Mercury-free cooking ... Play our "Foul Fish" game ... Take Action: Send support messages to EPA.

H

Federal Government Cracks Down on Mercury Pollution From Cement Kilns  
Air pollution rules from new administration will cut mercury pollution by between 81 and 93 percent  
April 21, 2009

Washington, DC -- The federal government is proposing, for the first time, to reduce airborne mercury pollution from cement kilns with new rules issued today. The new standards will cut mercury pollution from the nation's more than 150 cement kilns between 11,600 and 16,250 pounds (or a reduction of 81 to 93 percent), according to the US Environmental Protection Agency.

Led by Lisa Jackson, the EPA Administrator newly appointed by President Obama, EPA is proposing first time standards for cement kilns of mercury, hydrochloric acid, and toxic organic pollutants such as benzene. In addition, the agency is strengthening the outdated standards for particulate matter to better control kilns' emissions of lead, arsenic, and other toxic metals.

Local and national environmental and public health advocates cheered the news, which follows a decade of delay and represents a hard-fought victory for those who have long pushed for these mercury limits. The new standards are being proposed as part of a court settlement reached between the US Environmental Protection Agency, the nonprofit environmental law firm Earthjustice representing Sierra Club and community groups in New York, Michigan, Montana, California and Texas, and the states of Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York and Pennsylvania.

Earthjustice prevailed in a string of lawsuits aimed at forcing EPA to set limits for airborne mercury pollution from cement kilns for nearly a decade. Such limits were due under the federal Clean Air Act in 1997.

"This is great news and is a promising sign that the new leadership at EPA and in the White House is serious about protecting public health and the environment," said Earthjustice attorney Jim Pew. "By stopping pollution at its source, we can keep mercury from poisoning the fish we eat. Bit by bit, we can reclaim our nation's waters and protect our children's health and our environment from dangerous mercury pollution."

Although cement kilns have avoided controlling their mercury pollution until now, they are one of the largest sources of mercury emissions nationwide and the worst mercury polluters in some states. But kilns can curb their mercury emissions by using cleaner raw materials, cleaner fuels, and readily available technology like scrubbers and activated carbon injection.

In addition to requiring kilns to cut their mercury emissions, the proposed rules also limit, for the first time, kilns' emissions of the acid gas hydrochloric acid which acts as a lung irritant and other highly toxic pollutants such as benzene. In addition, they will significantly reduce cement kilns' emissions of particulate (PM) and sulfur dioxide (SO<sub>2</sub>) pollution, pollutants which damage heart and lung function.

"The Obama EPA is waking up to community voices which have been calling for years for protection from the

cement industry's toxic spew" said Marti Sinclair, Chair of the Sierra Club's Clean Air Team. "The spell which has enthralled EPA to corporate interests has been broken by the dogged persistence of Americans fighting for what is right."

The new rules would also require cement kilns to monitor their mercury emissions for the first time. In the past, the industry has been notoriously lax about reporting these emissions: a study last summer from Earthjustice and the Environmental Integrity Project (EIP) found that cement kilns emit mercury pollution at more than twice the level estimated as recently as 2006 by the EPA, which only started to collect data on the problem in 2007.

The report -- titled "Cementing a Toxic Legacy?" -- drew on the latest EPA data, which found that the nation's 151 cement plants generate 22,918 pounds of airborne mercury each year. Previously, EPA believed that cement kilns accounted for about 11,995 pounds of annual mercury emissions.

Mercury is dangerous in even very small doses; one-seventieth of one teaspoon of mercury can contaminate a 20-acre lake and make the lake's fish unsafe to eat. But a study by the University of Florida found that when mercury pollution is reduced, ecosystems can indeed bounce back, documented by reduced mercury levels in fish and certain bird species within just a few years.

A dangerous neurotoxin, mercury interferes with the brain and nervous system. According to the Centers for Disease Control and Prevention, eight percent of American women of childbearing age have mercury in their bodies at levels high enough to put their babies at risk of birth defects, loss of IQ, learning disabilities and developmental problems. The build up of mercury in aquatic systems and the resulting fish contamination undercuts the million-job industry supported by the nation's 45 million recreational fishers and renders a portion of the hard-won catch unfit for human consumption.

**Additional Resources:**

For an interactive map showing the locations of cement kilns nationwide, including kiln-specific information, please visit: <http://www.earthjustice.org/library/features/cement-kilns/interactive-map-of-featured-cement-kilns.html>

For an interactive web feature illustrating how cement manufacturing creates mercury pollution, please visit: <http://www.earthjustice.org/library/features/cement-kilns/mercury-emissions-from-cement-production.html>

For an interactive web feature illustrating how mercury impacts humans, please visit:

<http://www.earthjustice.org/library/features/cement-kilns/mercury-and-bioaccumulation.html>

For a report documenting the recreation fishing economic engine, please visit *Sportfishing in America: An Economic Engine and Conservation Powerhouse*

Contact:

Jim Pew, Earthjustice, (202) 667-4500

Bonnie Piper  
Liaison to Environmental Organizations  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Office: 202 564-7836  
Email: [piper.bonnie@epa.gov](mailto:piper.bonnie@epa.gov)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/23/2009 3:57:55 PM  
**Subject:** RFS2

**Deliberative**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/23/2009 4:15:53 PM  
**Subject:** Re: RFS2

Brazil

----- Original Message -----

From: Richard Windsor  
Sent: 04/23/2009 12:08 PM EDT  
To: Lisa Heinzerling  
Subject: Re: RFS2  
OK - what are their concerns?

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/23/2009 11:57 AM EDT  
To: Richard Windsor  
Subject: RFS2

**Deliberative**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/23/2009 4:20:54 PM  
**Subject:** Re: RFS2

**Deliberative**

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/23/2009 12:08 PM EDT  
**To:** Lisa Heinzerling  
**Subject:** Re: RFS2  
OK - what are their concerns?

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/23/2009 11:57 AM EDT  
**To:** Richard Windsor  
**Subject:** RFS2

**Deliberative**

**To:** "Richard Windsor" [Windsor.richard@epa.gov]; Lisa Heinzerling  
[Heinzerling.Lisa@epamail.epa.gov]; David McIntosh" [mcintosh.david@epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Wed 4/22/2009 7:51:40 PM  
**Subject:** POTUS Speech mentions endangerment  
[mime.htm](#)

Full speech below. Here is the money quote:

Now, last week, in response to a mandate from the United States Supreme Court, the Environmental Protection Agency determined that carbon dioxide and other tailpipe emissions are harmful to the health and well-being of our people. So there's no question that we have to regulate carbon pollution in some way; the only question is how we do it.

I believe the best way to do it is through legislation that places a market-based cap on these kinds of emissions. And today, key members of my administration are testifying in Congress on a bill that seeks to enact exactly this kind of market-based approach. My hope is that this will be the vehicle through which we put this policy in effect.

MABL.

-----

M. Allyn Brooks-LaSure  
U.S. Environmental Protection Agency  
Cell **Personal Privacy**

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
Sent: 04/22/2009 03:40 PM AST  
To: Allyn Brooks-LaSure  
Subject: Remarks by the President in Newton, IA

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

April 22, 2009

REMARKS BY THE PRESIDENT

ON CLEAN ENERGY

TrinityStructuralTowersManufacturing Plant

Newton, Iowa

12:52 P.M. CDT

THE PRESIDENT: Thank you so much. Thank you, Rich, for the great introduction. Thank you very much. Please, everybody have a seat.

It is good to be back in Newton, and it's a privilege to be here at TrinityStructuralTowers. I've got a couple of special thank yous that I want to make, because I've got a lot of old friends -- not old in years, but been friends for a long time now. First of all, your outstanding Governor, Chet Culver, please give him a big round of applause. (Applause.) His wonderful wife, Mari, I see over here. She's not on the card, but -- (applause.) My outstanding Secretary of Agriculture, who I plucked from Iowa, Tom Vilsack and his wonderful wife Christie Vilsack. (Applause.) We've got the Attorney General of Iowa, one of my co-chairs when I ran in the Iowa caucus and nobody could pronounce my name -- Tom Miller. (Applause.) My other co-chair, Mike Fitzgerald, Treasurer of Iowa. (Applause.) We got the Iowa Secretary of State, Mike Mauro. There he is. (Applause.) We've got your outstanding member of Congress who's working hard for Newton all the time, Leonard Boswell. (Applause.) And your own pride of Newton, Mayor Chaz Allen. (Applause.) There he is, back there. It's good to see you again, Chaz.

It is terrific to be here -- and by the way, I've got a whole bunch of folks here who were active in the campaign, and precinct captains. And I just want to thank all of them for showing up, and to all the great workers who are here at this plant -- thank you. (Applause.)

I just had a terrific tour of the facility led by several of the workers and managers who operate this plant. It wasn't too long ago, as Rich said, that Maytag closed its operations in Newton. And hundreds of jobs were lost. These floors were dark and silent. The only signs of a once thriving enterprise were the cement markings where the equipment had been before they were boxed up and carted away.

Look at what we see here today. This facility is alive again with new industry. This community is still going through some tough times. If you talk to your neighbors and friends, I know they -- the community still hasn't fully recovered from the loss of Maytag. Not everybody has been rehired. But more than 100 people will now be

employed at this plant -- maybe more, if we keep on moving. Many of the same folks who had lost their jobs when Maytag shut its doors now are finding once again their ability to make great products.

Now, obviously things aren't exactly the same as they were with Maytag, because now you're using the materials behind me to build towers to support some of the most advanced wind turbines in the world. When completed, these structures will hold up blades that can generate as much as 2.5 megawatts of electricity -- enough energy to power hundreds of homes. At Trinity, you are helping to lead the next energy revolution. But you're also heirs to the last energy revolution.

Think about it: roughly a century and a half ago, in the late 1950s [sic], the Seneca Oil Company hired an unemployed train conductor named Edwin Drake to investigate the oil springs of Titusville, Pennsylvania. Around this time, oil was literally bubbling up from the ground -- but nobody knew what to do with it. It had limited economic value and often all it did was ruin crops or pollute drinking water.

Now, people were starting to refine oil for use as a fuel. Collecting oil remained time consuming, though, and it was back-breaking, and it was costly; it wasn't efficient, as workers harvested what they could find in the shallow ground -- they'd literally scoop it up. But Edwin Drake had a plan. He purchased a steam engine, and he built a derrick, and he began to drill.

And months passed. And progress was slow. The team managed to drill into the bedrock just a few feet each day. And crowds gathered and they mocked Mr. Drake. They thought him and the other diggers were foolish. The well that they were digging even earned the nickname, "Drake's Folly." But Drake wouldn't give up. And he had an advantage: total desperation. It had to work. And then one day, it finally did.

One morning, the team returned to the creek to see crude oil rising up from beneath the surface. And soon, Drake's well was producing what was then an astonishing amount of oil -- perhaps 10, 20 barrels every day. And then speculators followed and they built similar rigs as far as the eye could see. In the next decade, the area would produce tens of millions of barrels of oil. And as the industry grew, so did the ingenuity of those who sought to profit from it, as competitors developed new techniques to drill and transport oil to drive down costs and gain a competitive advantage in the marketplace.

Now, our history is filled with such stories -- stories of daring talent, of dedication to an idea even when the odds are great, of the unshakeable belief that in America, all things are possible.

And this has been especially true in energy production. From the first commercially viable steamboat developed by Robert Fulton to the first modern solar cell developed at Bell Labs; from the experiments of Benjamin Franklin to harness the energy of lightning to the experiments of Enrico Fermi to harness the power contained in the atom, America has always led the world in producing and harnessing new forms of energy.

But just as we've led the global economy in developing new sources of energy, we've also led in consuming energy. While we make up less than 5 percent of the world's population, we produce roughly a quarter of the world's demand for oil.

And this appetite comes now at a tremendous cost to our economy. It's the cost measured by our trade deficit; 20 percent of what we spend on imports is the price of our oil imports. We send billions of dollars overseas to oil-exporting nations, and I think all of you know many of them are not our friends. It's the same costs attributable to our vulnerability to the volatility of oil markets. Every time the world oil market goes up, you're getting stuck at the pump. It's the cost we feel in shifting weather patterns that are already causing record-breaking droughts, unprecedented wildfires, more intense storms.

It's a cost we've known ever since the gas shortages of the 1970s. And yet, for more than 30 years, too little has been done about it. There's a lot of talk of action when oil prices skyrocket like they did last summer and everybody says we got to do something about energy independence, but then it slips from the radar when oil prices start falling like they have recently. So we shift from shock to indifference time and again, year after year.

We can't afford that approach anymore -- not when the cost for our economy, for our country, and for our planet is so high. So on this Earth Day, it is time for us to lay a new foundation for economic growth by beginning a new era of energy exploration in America. That's why I'm here. (Applause.)

Now, the choice we face is not between saving our environment and saving our economy. The choice we face is between prosperity and decline. We can remain the world's leading importer of oil, or we can become the world's leading exporter of clean energy. We can allow climate change to wreak unnatural havoc across the landscape, or we can create jobs working to prevent its worst effects. We can hand over the jobs of the 21st century to our competitors, or we can confront what countries in Europe and Asia have already recognized as both a challenge and an opportunity: The nation that leads the world in creating new energy sources will be the nation that leads the 21st-century global economy.

America can be that nation. America must be that nation. And while we seek new forms of fuel to power our homes and cars and businesses, we will rely on the same ingenuity -- the same American spirit -- that has always been a part of our American story.

Now, this will not be easy. There aren't any silver bullets. There's no magic energy source right now. Maybe some kid in a lab somewhere is figuring it out. Twenty years from now, there may be an entirely new energy source that we don't yet know about. But right now, there's no silver bullet. It's going to take a variety of energy sources, pursued through a variety of policies, to drastically reduce our dependence on oil and fossil fuels. As I've often said, in the short term, as we transition to renewable energy, we can and should increase our domestic production of oil and natural gas. We're not going to transform our economy overnight. We still need more oil, we still need more gas. If we've got some here in the United States that we can use, we should find it and do so in an

environmentally sustainable way. We also need to find safer ways to use nuclear power and store nuclear waste.

But the bulk of our efforts must focus on unleashing a new, clean-energy economy that will begin to reduce our dependence on foreign oil, will cut our carbon pollution by about 80 percent by 2050, and create millions of new jobs right here in America -- right here in Newton.

My administration has already taken unprecedented action towards this goal. It's work that begins with the simplest, fastest, most effective way we have to make our economy cleaner, and that is to make our economy more energy efficient. California has shown that it can be done; while electricity consumption grew 50 percent in this country over the last three decades, in California, it remained flat.

Think about this. I want everybody to think about this. Over the last several decades, the rest of the country, we used 50 percent more energy; California remained flat, used the same amount, even though that they were growing just as fast as the rest of the country -- because they were more energy efficient. They put in some good policy early on that assured that they weren't wasting energy. Now, if California can do it, then the whole country can do it. Iowa can do it.

Through the American Recovery and Reinvestment Act, we've begun to modernize 75 percent of all federal building space, which has the potential to reduce long-term energy costs just in federal buildings by billions of dollars on behalf of taxpayers. We're providing grants to states to help weatherize hundreds of thousands of homes, which will save the families that benefit about \$350 each year. That's like a \$350 tax cut.

Consumers are also eligible as part of the Recovery Act for up to \$1,500 in tax credits to purchase more efficient cooling and heating systems, insulation and windows in order to reduce their energy bills. And I've issued a memorandum to the Department of Energy to implement more aggressive efficiency standards for common household appliances, like dishwashers and refrigerators. We actually have made so much progress, just on something as simple as refrigerators, that you have seen refrigerators today many times more efficient than they were back in 1974. We save huge amounts of energy if we upgrade those appliances. Through this -- through these steps, over the next three decades, we will save twice the amount of energy produced by all the coal-fired power plants in America in any given year.

We're already seeing reports from across the country of how this is beginning to create jobs, because local governments and businesses rush to hire folks to do the work of building and installing these energy-efficient products.

And these steps will spur job creation and innovation as more Americans make purchases that place a premium on reducing energy consumption. Business across the country will join the competition, developing new products, seeking new consumers.

In the end, the sum total of choices made by consumers and companies in response to our recovery plan will mean less pollution in our air and water, it'll reduce costs for families and businesses -- money in your pocket -- and it will lower our overall reliance on fossil fuels which disrupt our environment and endanger our children's future.

So, that's step number one: energy efficiency. That's the low-hanging fruit. But energy efficiency can only take us part of the way. Even as we're conserving energy, we need to change the way we produce energy.

Today, America produces less than 3 percent of our electricity through renewable sources like wind and solar -- less than 3 percent. Now, in comparison, Denmark produces almost 20 percent of their electricity through wind power. We pioneered solar technology, but we've fallen behind countries like Germany and Japan in generating it, even though we've got more sun than either country.

I don't accept this is the way it has to be. When it comes to renewable energy, I don't think we should be followers, I think it's time for us to lead. (Applause.)

We are now poised to do exactly that. According to some estimates, last year, 40 percent of all new generating capacity in our country came from wind. In Iowa, you know what this means. This state is second only to Texas in installed wind capacity, which more than doubled last year alone. The result: Once shuttered factories are whirring back to life right here at Trinity; at TPI Composites, where more than 300 workers are manufacturing turbine blades, same thing; elsewhere in this state and across America.

In 2000, energy technology represented just one half of one percent of all venture capital investments. Today, it's more than 10 percent.

The recovery plan seeks to build on this progress, and encourage even faster growth. We're providing incentives to double our nation's capacity to generate renewable energy over the next few years -- extending the production tax credit, providing loan guarantees, offering grants to spur investment in new sources of renewable fuel and electricity.

My budget also invests \$15 billion each year for 10 years to develop clean energy including wind power and solar power, geothermal energy and clean coal technology.

And today I'm announcing that my administration is taking another historic step. Through the Department of Interior, we are establishing a program to authorize -- for the very first time -- the leasing of federal waters for projects to generate electricity from wind as well as from ocean currents and other renewable sources. And this

will open the door to major investments in offshore clean energy. For example, there is enormous interest in wind projects off the coasts of New Jersey and Delaware, and today's announcement will enable these projects to move forward.

It's estimated that if we fully pursue our potential for wind energy on land and offshore, wind can generate as much as 20 percent of our electricity by 2030 and create a quarter-million jobs in the process -- 250,000 jobs in the process, jobs that pay well and provide good benefits. It's a win-win: It's good for the environment; it's great for the economy.

Even as we pursue renewable energy from the wind and the sun and other sources, we also need a smarter, stronger electricity grid -- some of you have been hearing about this, this smart grid -- a grid that can carry energy from one end of this country to the other. So when you guys are building these amazing towers and the turbines are going up and they're producing energy, we've got to make sure that energy produced in Iowa can get to Chicago; energy produced in North Dakota can get to Milwaukee. That's why we're making an \$11 billion investment through the recovery plan to modernize the way we distribute electricity.

And as we're taking unprecedented steps to save energy and generate new kinds of energy for our homes and businesses, we need to do the same for our cars and trucks.

Right now, two of America's iconic automakers are considering their future. They're facing difficult challenges -- I'm talking about Chrysler and GM. But one thing we know is that for automakers to succeed in the future, these companies need to build the cars of the future -- they can't build the cars of the past. Yet, for decades, fuel economy and fuel economy standards have stagnated, leaving American consumers vulnerable to the ebb and flow of gas prices. When gas prices spike up like they did last summer, suddenly the market for American cars plummets because we build SUVs. That's it. It leaves the American economy ever more dependent on the supply of foreign oil.

We have to create the incentives for companies to develop the next generation of clean-energy vehicles -- and for Americans to drive them, particularly as the U.S. auto industry moves forward on a historic restructuring that can position it for a more prosperous future.

And that's why my administration has begun to put in place higher fuel economy standards for the first time since the mid-1980s, so our cars will get better mileage, saving drivers money, spurring companies to develop more innovative products. The Recovery Act also includes \$2 billion in competitive grants to develop the next generation of batteries for plug-in hybrids. We're planning to buy 17,600 American-made, fuel-efficient cars and trucks for the government fleet. And today, Vice President Biden is announcing a Clean Cities grant program through the Recovery Act to help state and local governments purchase clean-energy vehicles, too.

We can clean up our environment and put people back to work in a strong U.S. auto industry, but we've got to have

some imagination and we've got to be bold. We can't be looking backwards, we've got to look -- we've got to look forward.

My budget is also making unprecedented investments in mass transit, high-speed rail, and in our highway system to reduce the congestion that wastes money and time and energy. We need to connect Des Moines to Chicago with high-speed rail all across the Midwest. (Applause.) That way you don't have to take off your shoes when you want to go visit Chicago going through the airport.

My budget also invests in advanced biofuels and ethanol, which, as I've said, is an important transitional fuel to help us end our dependence on foreign oil while moving towards clean, homegrown sources of energy.

And while we're creating the incentives for companies to develop these technologies, we're also creating incentives for consumers to adapt to these new technologies. So the Recovery Act includes a new credit -- new tax credit for up to \$7,500 to encourage Americans to buy more fuel-efficient cars and trucks. So if you guys are in the market to buy a car or truck, check out that tax credit.

In addition, innovation depends on innovators doing the research and testing the ideas that might not pay off in the short run -- some of them will be dead-ends, won't pay off at all -- but when taken together, hold incredible potential over the long term. And that's why my recovery plan includes the largest investment in basic research funding in American history. And my budget includes a 10-year commitment to make the Research and Experimentation Tax Credit permanent. That's a tax credit that returns \$2 to the economy for every dollar we spend. That young guy in the garage designing a new engine or a new battery, that computer scientist who's imagining a new way of thinking about energy, we need to fund them now, fund them early, because that's what America has always been about: technology and innovation.

And this is only the beginning. My administration will be pursuing comprehensive legislation to move towards energy independence and prevent the worst consequences of climate change, while creating the incentives to make clean energy the profitable kind of energy in America.

Now, there's been some debate about this whole climate change issue. But it's serious. It could be a problem. It could end up having an impact on farmers like Rich. If you're starting to see temperatures grow -- rise 1, 2, 3 percent, have a profound impact on our lives. And the fact is, we place limits on pollutants like sulfur dioxide and nitrogen dioxide and other harmful emissions. But we haven't placed any limits on carbon dioxide and other greenhouse gases. It's what's called the carbon loophole.

Now, last week, in response to a mandate from the United States Supreme Court, the Environmental Protection Agency determined that carbon dioxide and other tailpipe emissions are harmful to the health and well-being of our people. So there's no question that we have to regulate carbon pollution in some way; the only question is how we do it.

I believe the best way to do it is through legislation that places a market-based cap on these kinds of emissions. And today, key members of my administration are testifying in Congress on a bill that seeks to enact exactly this kind of market-based approach. My hope is that this will be the vehicle through which we put this policy in effect.

And here's how a market-based cap would work: We'd set a cap, a ceiling, on all the carbon dioxide and other greenhouse gases that our economy is allowed to produce in total, combining the emissions from cars and trucks, coal-fired power plants, energy-intensive industries, all sources.

And by setting an overall cap, carbon pollution becomes like a commodity. It places a value on a limited resource, and that is the ability to pollute. And to determine that value, just like any other traded commodity, we'd create a market where companies could buy and sell the right to produce a certain amount of carbon pollution. And in this way, every company can determine for itself whether it makes sense to spend the money to become cleaner or more efficient, or to spend the money on a certain amount of allowable pollution.

Over time, as the cap on greenhouse gases is lowered, the commodity becomes scarcer -- and the price goes up. And year by year, companies and consumers would have greater incentive to invest in clean energy and energy efficiency as the price of the status quo became more expensive.

What this does is it makes wind power more economical, makes solar power more economical. Clean energy all becomes more economical. And by closing the carbon loophole through this kind of market-based cap, we can address in a systematic way all the facets of the energy crisis: We lower our dependence on foreign oil, we reduce our use of fossil fuels, we promote new industries right here in America. We set up the right incentives so that everybody is moving in the same direction towards energy independence.

And as we pursue solutions through the public and private sectors, we also need to remember that every American has a role to play. This is not just a job for government. You know, some of you may remember, during the campaign, when gas was real high, I suggested during the campaign that one small step Americans could take would be to keep their tires inflated. Do you remember that? Everybody teased me. They said, oh, look, look, that's Obama's energy policy. My opponents sent around tire gauges. But I tell you what, it turns out that saves you an awful lot of gas -- money in your pocket. It also made sense for our energy use as a whole. If everybody kept their tires inflated, that would have a big dent; it would produce as much oil savings as we might be pumping in some of these offshore sites by drilling.

So we've got to get everybody involved in this process. I don't accept the conventional wisdom that suggests that the American people are unable or unwilling to participate in a national effort to transform the way we use energy. I don't believe that the only thing folks are capable of doing is just paying their taxes. I disagree. I think the American people are ready to be part of a mission. I believe that. (Applause.)

It's not just keeping your tires inflated. If each one of us replaced just one ordinary incandescent light bulb with one of those compact fluorescent light bulbs -- you know, the swirly ones -- that could save enough energy to light 3 million homes. Just one light bulb each -- 3 million homes worth of energy savings. That's just one small step. So all of us are going to have to be involved in this process. And like I said, if you make the investment upfront, you, the individual consumer, will save money in the long term, and all of us collectively will be better off.

Now, this is also a global problem, so it's going to require a global coalition to solve it. If we've got problems with climate change, and the temperature rising all around the world, that knows no boundaries; and the decisions of any nation will affect every nation. So next week, I will be gathering leaders of major economies from all around the world to talk about how we can work together to address this energy crisis and this climate crisis.

Truth is the United States has been slow to participate in this kind of a process, working with other nations. But those days are over now. We are ready to engage -- and we're asking other nations to join us in tackling this challenge together. (Applause.)

All of these steps, all of these steps we've taken in just the first three months, probably represents more progress than we've achieved in three decades on the energy front. We're beginning the difficult work of reducing our dependence on foreign oil. We're beginning to break the bonds, the grip, that fossil fuels has on us. We're beginning to create a new, clean-energy economy -- and the millions of jobs that will flow from it.

Now, there are those who still cling to the notion that we ought to just continue doing what we do; that we can't change; Americans like to use a lot of energy, that's just how we are; that government has neither the responsibility nor the reason to address our dependence on energy sources even though they undermine our security and threaten our economy and endanger our planet.

And then there is this even more dangerous idea -- the idea that there's nothing we can do about it: our politics is broken, our people are unwilling to make hard choices. So politicians decide, look, even though we know it's something that has to be done, we're just going to put it off. That's what happened for the last three, four, five decades. Everybody has known that we had to do something but nobody wanted to actually go ahead and do it because it's hard.

So the implication in this argument is that we've somehow lost something important -- that perhaps because of the very prosperity we've built over the course of generations, that we've given up that fighting American spirit, that sense of optimism, that willingness to tackle tough challenges, that determination to see those challenges to the end, the notion that we've gotten soft somehow.

I reject that argument. I reject it because of what you're doing right here at Trinity; what's happening right here in

Newton after folks have gone through hard times. I reject it because of what I've seen across this country, in all the eyes of the people that I've met, in the stories that I've heard, in the factories I've visited, in the places where I've seen the future being pieced together -- test by test, trial by trial.

So it will not be easy. There will be bumps along the road. There will be costs for our nation and for each of us as individuals. As I said before, there's no magic bullet, there's no perfect answer to our energy needs. All of us are going to have to use energy more wisely. But I know that we are ready and able to meet these challenges. All of us are beneficiaries of a daring and innovative past. Our parents, our grandparents, our great-grandparents adapted to much more difficult circumstances to deliver the prosperity that we enjoy today.

And I'm confident that we can be and will be the benefactors of a brighter future for our children and grandchildren. That can be our legacy -- a legacy of vehicles powered by clean renewable energy traveling past newly opened factories; of industries employing millions of Americans in the work of protecting our planet; of an economy exporting the energy of the future instead of importing the energy of the past; of a nation once again leading the world to meet the challenges of our time.

That's our future. I hope you're willing to work with me to get there. Thank you very much. God bless you. God bless the United States of America. Thank you. (Applause.)

END            1:25 P.M. CDT

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**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Marygrace Galston/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/23/2009 5:50:44 PM  
**Subject:** Fw: Nomination Papers for Stephen Owens

From: "Chin, Candace J." <[Personal Privacy]>  
To: "Ogden, Lisa B." <[Personal Privacy]> Marygrace Galston/DC/USEPA/US@EPA  
Date: 04/23/2009 01:43 PM  
Subject: Nomination Papers for Stephen Owens

The nomination papers for Stephen Owens have been delivered to the WH Clerk and are scheduled to go to the Hill.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/23/2009 7:11:58 PM  
**Subject:** Fw: Reconsideration of NSR Rules -- Need for immediate Feedback

# Deliberative

Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

From: Richard Windsor

To: Lisa Heinzerling, Bob Sussman, Diane Thompson, Eric Wachter

Date: 04/22/2009 08:11 AM

**Deliberative**

----- Original Message -----

From: Lisa Heinzerling

Sent: 04/21/2009 08:02 PM EDT

To: Bob Sussman

Cc: Diane Thompson; Eric Wachter; Richard Windsor

Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

# Deliberative

From: Bob Sussman/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA

Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA

Date: 04/21/2009 07:29 PM

Subject: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Full speech below. Here is the money quote:

Now, last week, in response to a mandate from the United States Supreme Court, the Environmental Protection Agency determined that carbon dioxide and other tailpipe emissions are harmful to the health and well-being of our people. So there's no question that we have to regulate carbon pollution in some way; the only question is how we do it.

Â

I believe the best way to do it is through legislation that places a market-based cap on these kinds of emissions. And today, key members of my administration are testifying in Congress on a bill that seeks to enact exactly this kind of market-based approach. My hope is that this will be the vehicle through which we put this policy in effect.

MABL.

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M. Allyn Brooks-LaSure  
U.S. Environmental Protection Agency  
Cell: [Personal Privacy](#)

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**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]

**Sent:** 04/22/2009 03:40 PM AST

**To:** Allyn Brooks-LaSure

**Subject:** Remarks by the President in Newton, IA

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

April 22, 2009

REMARKS BY THE PRESIDENT

ON CLEAN ENERGY

Trinity Structural Towers Manufacturing Plant

Newton, Iowa

12:52 P.M. CDT

THE PRESIDENT: Thank you so much. Thank you, Rich, for the great introduction. Thank you very much. Please, everybody have a seat.

It is good to be back in Newton, and it's a privilege to be here at Trinity Structural Towers. I've got a couple of special thank yous that I want to make, because I've got a lot of old friends -- not old in years, but been friends for a long time now. First of all, your outstanding Governor, Chet Culver, please give him a big round of applause. (Applause.) His wonderful wife, Mari, I see over here. She's not on the card, but -- (applause.) My outstanding Secretary of Agriculture, who I plucked from Iowa, Tom Vilsack and his wonderful wife Christie Vilsack. (Applause.) We've got the Attorney General of Iowa, one of my co-chairs when I ran in the Iowa caucus and nobody could pronounce my name -- Tom Miller. (Applause.) My other co-chair, Mike Fitzgerald, Treasurer of Iowa. (Applause.) We got the Iowa Secretary of State, Mike Mauro. There he is. (Applause.) We've got your outstanding member of Congress who's working hard for Newton all the time, Leonard Boswell. (Applause.) And your own pride of Newton, Mayor Chaz Allen. (Applause.) There he is, back there. It's good to see you again, Chaz.

It is terrific to be here -- and by the way, I've got a whole bunch of folks here who were active in the campaign, and precinct captains. And I just want to thank all of them for showing up, and to all the great workers who are here at this plant -- thank you. (Applause.)

I just had a terrific tour of the facility led by several of the workers and managers who operate this plant. It wasn't too long ago, as Rich said, that Maytag closed its operations in Newton. And hundreds of jobs were lost. These floors were dark and silent. The only signs of a once thriving enterprise were the

cement markings where the equipment had been before they were boxed up and carted away.

Look at what we see here today. This facility is alive again with new industry. This community is still going through some tough times. If you talk to your neighbors and friends, I know they -- the community still hasn't fully recovered from the loss of Maytag. Not everybody has been rehired. But more than 100 people will now be employed at this plant -- maybe more, if we keep on moving. Many of the same folks who had lost their jobs when Maytag shut its doors now are finding once again their ability to make great products.

Now, obviously things aren't exactly the same as they were with Maytag, because now you're using the materials behind me to build towers to support some of the most advanced wind turbines in the world. When completed, these structures will hold up blades that can generate as much as 2.5 megawatts of electricity -- enough energy to power hundreds of homes. At Trinity, you are helping to lead the next energy revolution. But you're also heirs to the last energy revolution.

Think about it: roughly a century and a half ago, in the late 1950s [sic], the Seneca Oil Company hired an unemployed train conductor named Edwin Drake to investigate the oil springs of Titusville, Pennsylvania. Around this time, oil was literally bubbling up from the ground -- but nobody knew what to do with it. It had limited economic value and often all it did was ruin crops or pollute drinking water.

Now, people were starting to refine oil for use as a fuel. Collecting oil remained time consuming, though, and it was back-breaking, and it was costly; it wasn't efficient, as workers harvested what they could find in the shallow ground -- they'd literally scoop it up. But Edwin Drake had a plan. He purchased a steam engine, and he built a derrick, and he began to drill.

And months passed. And progress was slow. The team managed to drill into the bedrock just a few feet each day. And crowds

gathered and they mocked Mr. Drake. They thought him and the other diggers were foolish. The well that they were digging even earned the nickname, "Drake's Folly." But Drake wouldn't give up. And he had an advantage: total desperation. It had to work. And then one day, it finally did.

One morning, the team returned to the creek to see crude oil rising up from beneath the surface. And soon, Drake's well was producing what was then an astonishing amount of oil -- perhaps 10, 20 barrels every day. And then speculators followed and they built similar rigs as far as the eye could see. In the next decade, the area would produce tens of millions of barrels of oil. And as the industry grew, so did the ingenuity of those who sought to profit from it, as competitors developed new techniques to drill and transport oil to drive down costs and gain a competitive advantage in the marketplace.

Now, our history is filled with such stories -- stories of daring talent, of dedication to an idea even when the odds are great, of the unshakeable belief that in America, all things are possible.

And this has been especially true in energy production. From the first commercially viable steamboat developed by Robert Fulton to the first modern solar cell developed at Bell Labs; from the experiments of Benjamin Franklin to harness the energy of lightning to the experiments of Enrico Fermi to harness the power contained in the atom, America has always led the world in producing and harnessing new forms of energy.

But just as we've led the global economy in developing new sources of energy, we've also led in consuming energy. While we make up less than 5 percent of the world's population, we produce roughly a quarter of the world's demand for oil.

And this appetite comes now at a tremendous cost to our economy. It's the cost measured by our trade deficit; 20 percent of what we spend on imports is the price of our oil imports. We send billions of dollars overseas to oil-exporting nations, and I think all of you know many of them are not our friends. It's the

same costs attributable to our vulnerability to the volatility of oil markets. Every time the world oil market goes up, you're getting stuck at the pump. It's the cost we feel in shifting weather patterns that are already causing record-breaking droughts, unprecedented wildfires, more intense storms.

It's a cost we've known ever since the gas shortages of the 1970s. And yet, for more than 30 years, too little has been done about it. There's a lot of talk of action when oil prices skyrocket like they did last summer and everybody says we got to do something about energy independence, but then it slips from the radar when oil prices start falling like they have recently. So we shift from shock to indifference time and again, year after year.

We can't afford that approach anymore -- not when the cost for our economy, for our country, and for our planet is so high. So on this Earth Day, it is time for us to lay a new foundation for economic growth by beginning a new era of energy exploration in America. That's why I'm here. (Applause.)

Now, the choice we face is not between saving our environment and saving our economy. The choice we face is between prosperity and decline. We can remain the world's leading importer of oil, or we can become the world's leading exporter of clean energy. We can allow climate change to wreak unnatural havoc across the landscape, or we can create jobs working to prevent its worst effects. We can hand over the jobs of the 21st century to our competitors, or we can confront what countries in Europe and Asia have already recognized as both a challenge and an opportunity: The nation that leads the world in creating new energy sources will be the nation that leads the 21st-century global economy.

America can be that nation. America must be that nation. And while we seek new forms of fuel to power our homes and cars and businesses, we will rely on the same ingenuity -- the same American spirit -- that has always been a part of our American story.

Now, this will not be easy. There aren't any silver bullets. There's no magic energy source right now. Maybe some kid in a

lab somewhere is figuring it out. Twenty years from now, there may be an entirely new energy source that we don't yet know about. But right now, there's no silver bullet. It's going to take a variety of energy sources, pursued through a variety of policies, to drastically reduce our dependence on oil and fossil fuels. As I've often said, in the short term, as we transition to renewable energy, we can and should increase our domestic production of oil and natural gas. We're not going to transform our economy overnight. We still need more oil, we still need more gas. If we've got some here in the United States that we can use, we should find it and do so in an environmentally sustainable way. We also need to find safer ways to use nuclear power and store nuclear waste.

But the bulk of our efforts must focus on unleashing a new, clean-energy economy that will begin to reduce our dependence on foreign oil, will cut our carbon pollution by about 80 percent by 2050, and create millions of new jobs right here in America -- right here in Newton.

My administration has already taken unprecedented action towards this goal. It's work that begins with the simplest, fastest, most effective way we have to make our economy cleaner, and that is to make our economy more energy efficient. California has shown that it can be done; while electricity consumption grew 50 percent in this country over the last three decades, in California, it remained flat.

Think about this. I want everybody to think about this. Over the last several decades, the rest of the country, we used 50 percent more energy; California remained flat, used the same amount, even though that they were growing just as fast as the rest of the country -- because they were more energy efficient. They put in some good policy early on that assured that they weren't wasting energy. Now, if California can do it, then the whole country can do it. Iowa can do it.

Through the American Recovery and Reinvestment Act, we've begun to modernize 75 percent of all federal building space, which has the potential to reduce long-term energy costs just in federal buildings by billions of dollars on behalf of taxpayers. We're

providing grants to states to help weatherize hundreds of thousands of homes, which will save the families that benefit about \$350 each year. That's like a \$350 tax cut.

Consumers are also eligible as part of the Recovery Act for up to \$1,500 in tax credits to purchase more efficient cooling and heating systems, insulation and windows in order to reduce their energy bills. And I've issued a memorandum to the Department of Energy to implement more aggressive efficiency standards for common household appliances, like dishwashers and refrigerators. We actually have made so much progress, just on something as simple as refrigerators, that you have seen refrigerators today many times more efficient than they were back in 1974. We save huge amounts of energy if we upgrade those appliances. Through this -- through these steps, over the next three decades, we will save twice the amount of energy produced by all the coal-fired power plants in America in any given year.

We're already seeing reports from across the country of how this is beginning to create jobs, because local governments and businesses rush to hire folks to do the work of building and installing these energy-efficient products.

And these steps will spur job creation and innovation as more Americans make purchases that place a premium on reducing energy consumption. Business across the country will join the competition, developing new products, seeking new consumers.

In the end, the sum total of choices made by consumers and companies in response to our recovery plan will mean less pollution in our air and water, it'll reduce costs for families and businesses -- money in your pocket -- and it will lower our overall reliance on fossil fuels which disrupt our environment and endanger our children's future.

So, that's step number one: energy efficiency. That's the low-hanging fruit. But energy efficiency can only take us part of the way. Even as we're conserving energy, we need to change the way we produce energy.

Today, America produces less than 3 percent of our electricity through renewable sources like wind and solar -- less than 3 percent. Now, in comparison, Denmark produces almost 20 percent of their electricity through wind power. We pioneered solar technology, but we've fallen behind countries like Germany and Japan in generating it, even though we've got more sun than either country.

I don't accept this is the way it has to be. When it comes to renewable energy, I don't think we should be followers, I think it's time for us to lead. (Applause.)

We are now poised to do exactly that. According to some estimates, last year, 40 percent of all new generating capacity in our country came from wind. In Iowa, you know what this means. This state is second only to Texas in installed wind capacity, which more than doubled last year alone. The result: Once shuttered factories are whirring back to life right here at Trinity; at TPI Composites, where more than 300 workers are manufacturing turbine blades, same thing; elsewhere in this state and across America.

In 2000, energy technology represented just one half of one percent of all venture capital investments. Today, it's more than 10 percent.

The recovery plan seeks to build on this progress, and encourage even faster growth. We're providing incentives to double our nation's capacity to generate renewable energy over the next few years -- extending the production tax credit, providing loan guarantees, offering grants to spur investment in new sources of renewable fuel and electricity.

My budget also invests \$15 billion each year for 10 years to develop clean energy including wind power and solar power, geothermal energy and clean coal technology.

And today I'm announcing that my administration is taking another historic step. Through the Department of Interior, we are establishing a program to authorize -- for the very first time -- the leasing of federal waters for projects to generate electricity from wind as well as from ocean currents and other renewable sources. And this will open the door to major investments in offshore clean energy. For example, there is enormous interest in wind projects off the coasts of New Jersey and Delaware, and today's announcement will enable these projects to move forward.

It's estimated that if we fully pursue our potential for wind energy on land and offshore, wind can generate as much as 20 percent of our electricity by 2030 and create a quarter-million jobs in the process -- 250,000 jobs in the process, jobs that pay well and provide good benefits. It's a win-win: It's good for the environment; it's great for the economy.

Even as we pursue renewable energy from the wind and the sun and other sources, we also need a smarter, stronger electricity grid -- some of you have been hearing about this, this smart grid -- a grid that can carry energy from one end of this country to the other. So when you guys are building these amazing towers and the turbines are going up and they're producing energy, we've got to make sure that energy produced in Iowa can get to Chicago; energy produced in North Dakota can get to Milwaukee. That's why we're making an \$11 billion investment through the recovery plan to modernize the way we distribute electricity.

And as we're taking unprecedented steps to save energy and generate new kinds of energy for our homes and businesses, we need to do the same for our cars and trucks.

Right now, two of America's iconic automakers are considering their future. They're facing difficult challenges -- I'm talking about Chrysler and GM. But one thing we know is that for automakers to succeed in the future, these companies need to build the cars of the future -- they can't build the cars of the

past. Yet, for decades, fuel economy and fuel economy standards have stagnated, leaving American consumers vulnerable to the ebb and flow of gas prices. When gas prices spike up like they did last summer, suddenly the market for American cars plummets because we build SUVs. That's it. It leaves the American economy ever more dependent on the supply of foreign oil.

We have to create the incentives for companies to develop the next generation of clean-energy vehicles -- and for Americans to drive them, particularly as the U.S. auto industry moves forward on a historic restructuring that can position it for a more prosperous future.

And that's why my administration has begun to put in place higher fuel economy standards for the first time since the mid-1980s, so our cars will get better mileage, saving drivers money, spurring companies to develop more innovative products. The Recovery Act also includes \$2 billion in competitive grants to develop the next generation of batteries for plug-in hybrids. We're planning to buy 17,600 American-made, fuel-efficient cars and trucks for the government fleet. And today, Vice President Biden is announcing a Clean Cities grant program through the Recovery Act to help state and local governments purchase clean-energy vehicles, too.

We can clean up our environment and put people back to work in a strong U.S. auto industry, but we've got to have some imagination and we've got to be bold. We can't be looking backwards, we've got to look -- we've got to look forward.

My budget is also making unprecedented investments in mass transit, high-speed rail, and in our highway system to reduce the congestion that wastes money and time and energy. We need to connect Des Moines to Chicago with high-speed rail all across the Midwest. (Applause.) That way you don't have to take off your shoes when you want to go visit Chicago going through the airport.

My budget also invests in advanced biofuels and ethanol, which,

as I've said, is an important transitional fuel to help us end our dependence on foreign oil while moving towards clean, homegrown sources of energy.

And while we're creating the incentives for companies to develop these technologies, we're also creating incentives for consumers to adapt to these new technologies. So the Recovery Act includes a new credit -- new tax credit for up to \$7,500 to encourage Americans to buy more fuel-efficient cars and trucks. So if you guys are in the market to buy a car or truck, check out that tax credit.

In addition, innovation depends on innovators doing the research and testing the ideas that might not pay off in the short run -- some of them will be dead-ends, won't pay off at all -- but when taken together, hold incredible potential over the long term. And that's why my recovery plan includes the largest investment in basic research funding in American history. And my budget includes a 10-year commitment to make the Research and Experimentation Tax Credit permanent. That's a tax credit that returns \$2 to the economy for every dollar we spend. That young guy in the garage designing a new engine or a new battery, that computer scientist who's imagining a new way of thinking about energy, we need to fund them now, fund them early, because that's what America has always been about: technology and innovation.

And this is only the beginning. My administration will be pursuing comprehensive legislation to move towards energy independence and prevent the worst consequences of climate change, while creating the incentives to make clean energy the profitable kind of energy in America.

Now, there's been some debate about this whole climate change issue. But it's serious. It could be a problem. It could end up having an impact on farmers like Rich. If you're starting to see temperatures grow -- rise 1, 2, 3 percent, have a profound impact on our lives. And the fact is, we place limits on pollutants like sulfur dioxide and nitrogen dioxide and other harmful emissions. But we haven't placed any limits on carbon dioxide and other greenhouse gases. It's what's called the carbon loophole.

Now, last week, in response to a mandate from the United States Supreme Court, the Environmental Protection Agency determined that carbon dioxide and other tailpipe emissions are harmful to the health and well-being of our people. So there's no question that we have to regulate carbon pollution in some way; the only question is how we do it.

I believe the best way to do it is through legislation that places a market-based cap on these kinds of emissions. And today, key members of my administration are testifying in Congress on a bill that seeks to enact exactly this kind of market-based approach. My hope is that this will be the vehicle through which we put this policy in effect.

And here's how a market-based cap would work: We'd set a cap, a ceiling, on all the carbon dioxide and other greenhouse gases that our economy is allowed to produce in total, combining the emissions from cars and trucks, coal-fired power plants, energy-intensive industries, all sources.

And by setting an overall cap, carbon pollution becomes like a commodity. It places a value on a limited resource, and that is the ability to pollute. And to determine that value, just like any other traded commodity, we'd create a market where companies could buy and sell the right to produce a certain amount of carbon pollution. And in this way, every company can determine for itself whether it makes sense to spend the money to become cleaner or more efficient, or to spend the money on a certain amount of allowable pollution.

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And as we pursue solutions through the public and private sectors, we also need to remember that every American has a role to play. This is not just a job for government. You know, some of you may remember, during the campaign, when gas was real high, I suggested during the campaign that one small step Americans could take would be to keep their tires inflated. Do you remember that? Everybody teased me. They said, oh, look, look, that's Obama's energy policy. My opponents sent around tire gauges. But I tell you what, it turns out that saves you an awful lot of gas -- money in your pocket. It also made sense for our energy use as a whole. If everybody kept their tires inflated, that would have a big dent; it would produce as much oil savings as we might be pumping in some of these offshore sites by drilling.

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Truth is the United States has been slow to participate in this kind of a process, working with other nations. But those days are over now. We are ready to engage -- and we're asking other nations to join us in tackling this challenge together.  
(Applause.)

All of these steps, all of these steps we've taken in just the first three months, probably represents more progress than we've achieved in three decades on the energy front. We're beginning the difficult work of reducing our dependence on foreign oil. We're beginning to break the bonds, the grip, that fossil fuels has on us. We're beginning to create a new, clean-energy economy -- and the millions of jobs that will flow from it.

Now, there are those who still cling to the notion that we ought to just continue doing what we do; that we can't change; Americans like to use a lot of energy, that's just how we are; that government has neither the responsibility nor the reason to address our dependence on energy sources even though they undermine our security and threaten our economy and endanger our planet.

And then there is this even more dangerous idea -- the idea that there's nothing we can do about it: our politics is broken, our people are unwilling to make hard choices. So politicians decide, look, even though we know it's something that has to be done, we're just going to put it off. That's what happened for the last three, four, five decades. Everybody has known that we had to do something but nobody wanted to actually go ahead and do it because it's hard.

So the implication in this argument is that we've somehow lost something important -- that perhaps because of the very prosperity we've built over the course of generations, that we've given up that fighting American spirit, that sense of optimism, that willingness to tackle tough challenges, that determination to see those challenges to the end, the notion that we've gotten soft somehow.

I reject that argument. I reject it because of what you're doing right here at Trinity; what's happening right here in Newton after folks have gone through hard times. I reject it because of what I've seen across this country, in all the eyes of the people that I've met, in the stories that I've heard, in the factories I've visited, in the places where I've seen the future being pieced together -- test by test, trial by trial.

So it will not be easy. There will be bumps along the road. There will be costs for our nation and for each of us as individuals. As I said before, there's no magic bullet, there's no perfect answer to our energy needs. All of us are going to have to use energy more wisely. But I know that we are ready and able to meet these challenges. All of us are beneficiaries of a daring and innovative past. Our parents, our grandparents, our great-grandparents adapted to much more difficult circumstances to deliver the prosperity that we enjoy today.

And I'm confident that we can be and will be the benefactors of a brighter future for our children and grandchildren. That can be our legacy -- a legacy of vehicles powered by clean renewable energy traveling past newly opened factories; of industries employing millions of Americans in the work of protecting our planet; of an economy exporting the energy of the future instead of importing the energy of the past; of a nation once again leading the world to meet the challenges of our time.

That's our future. I hope you're willing to work with me to get there. Thank you very much. God bless you. God bless the United States of America. Thank you. (Applause.)

END

1:25 P.M. CDT

---

You are currently subscribed to whitehouse-daily-reporters as: Brooks-LaSure.Allyn@epamail.epa.gov.  
To unsubscribe send a blank email to leave-whitehouse-daily-reporters-2250648A@list.whitehouse.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 12:34:55 AM  
**Subject:** LPJ draft T&I testimony  
LPJ draft T&I testimony.doc

Hi Lisa,

I've attached draft oral testimony for your upcoming T&I hearing on stimulus oversight. We've submitted a longer, more technical version to OMB for clearance. If you could, please take a look at this by Monday. I promise it will be more exciting than the Italian landscape and culture. :)

Thanks and hope you're having a good time.

Arvin

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Thur 4/23/2009 7:16:23 PM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback

Lisa,

**Deliberative**

Please let me know -- go ahead or when can we all talk.  
Diane

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
**Date:** 04/22/2009 08:11 AM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/21/2009 08:02 PM EDT  
**To:** Bob Sussman  
**Cc:** Diane Thompson; Eric Wachter; Richard Windsor  
**Subject:** Re: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 04/21/2009 07:29 PM  
Subject: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency



**TESTIMONY OF**  
**LISA JACKSON**  
**ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE**  
**TRANSPORTATION AND INFRASTRUCTURE COMMITTEE**  
**UNITED STATES HOUSE OF REPRESENTATIVES**

**April 29, 2009**

**Deliberative**

# Deliberative

# Deliberative

# Deliberative

**To:** "Diane Thompson" [Thompson.Diane@epamail.epa.gov]; Bob Sussman" [sussman.bob@epa.gov]; Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]  
**Cc:** "Richard Windsor" [Windsor.richard@epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 7:33:42 AM  
**Subject:** From LPJ

She said to move forward with plans on NSR reconsideration.

MABL.

-----

M. Allyn Brooks-LaSure  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

**To:** Richard Windsor/DC/USEPA/US@EPA[]  
**From:** "Lisa Heinzerling"  
**Sent:** Fri 4/24/2009 8:10:15 AM  
**Subject:** Out of Office AutoReply: Go ahead w NSR Reconsiderations Please

I have taken a leave of absence from Georgetown to serve as senior climate counsel to the EPA Administrator.

If your message relates to my work at EPA, please write to me at [Heinzerling.Lisa@epa.gov](mailto:Heinzerling.Lisa@epa.gov).

If your message does not relate to my work at EPA, please write to me at **Personal Privacy**

Thank you.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 11:31:43 AM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback

Thanks, no blip, just a few heated moments. I will authorize auto pen for the letters. DT

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/24/2009 04:08 AM EDT  
**To:** Diane Thompson  
**Cc:** Eric Wachter; "Allyn Brooks-Lasure" <mabl@brooks-lasure.com>  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
Please go ahead. Sorry for the blip here. Lj

----- Original Message -----

**From:** Diane Thompson  
**Sent:** 04/23/2009 03:16 PM EDT  
**To:** Richard Windsor  
**Cc:** Eric Wachter  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback

Lisa,

**Deliberative**

Please let me know -- go ahead or when can we all talk.  
Diane

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
**Date:** 04/22/2009 08:11 AM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for immediate Feedback

Deliberative

----- Original Message -----

From: Lisa Heinzerling

Sent: 04/21/2009 08:02 PM EDT

To: Bob Sussman

Cc: Diane Thompson; Eric Wachter; Richard Windsor

Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

From: Bob Sussman/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA

Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA

Date: 04/21/2009 07:29 PM

Subject: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Diane Thompson"; **Personal Privacy** "Craig Hooks" [Hooks.Craig@epamail.epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 12:17:21 PM  
**Subject:** Re: LPJ draft T&I testimony

The committee will focus on money that is already obligated and have asked that we focus on that message. That being said, I think we can weave into the testimony (as Craig mentioned in his email) that we've set up processes to increase the pace of money flowing out.

As for a status of each pot of money, we will add that. Our folks are working on getting an up-to-date number and we will include programmatic numbers in the next draft of the oral testimony.

# Deliberative

ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**From:** Richard Windsor/DC/USEPA/US  
**To:** Arvin Ganesan/DC/USEPA/US@EPA  
**Cc:** "Diane Thompson"; **Personal Privacy** "Craig Hooks" <Hooks.Craig@epamail.epa.gov>  
**Date:** 04/24/2009 04:42 AM  
**Subject:** Re: LPJ draft T&I testimony

Arvin,

Deliberative

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 04/23/2009 08:34 PM EDT  
**To:** Richard Windsor  
**Subject:** LPJ draft T&I testimony

Hi Lisa,

I've attached draft oral testimony for your upcoming T&I hearing on stimulus oversight. We've submitted a longer, more technical version to OMB for clearance. If you could, please take a look at this by Monday. I promise it will be more exciting than the Italian landscape and culture. :)

Thanks and hope you're having a good time.

Arvin

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

[attachment "LPJ draft T&I testimony.doc" deleted by Richard Windsor/DC/USEPA/US]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 2:43:51 PM  
**Subject:** Fyi next wk

WH wants cab to do events outside of dc on 4/29. U have TI hrg and mtg w ranking on approps. We are looking at possible MD/VA/PA events that might work. Also asking WH if there is something u can do in DC and checking to see wht Lahood is doing. Let me know what you think.  
DT

----- Original Message -----

From: Richard Windsor  
Sent: 04/24/2009 04:08 AM EDT  
To: Diane Thompson  
Cc: Eric Wachter; "Allyn Brooks-Lasure" <mabl@brooks-lasure.com>  
Subject: Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
Please go ahead. Sorry for the blip here. Lj

----- Original Message -----

From: Diane Thompson  
Sent: 04/23/2009 03:16 PM EDT  
To: Richard Windsor  
Cc: Eric Wachter  
Subject: Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
Lisa,

# Deliberative

Please let me know -- go ahead or when can we all talk.  
Diane

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

From: Richard Windsor/DC/USEPA/US  
To: Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA

Cc: Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 04/22/2009 08:11 AM  
Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/21/2009 08:02 PM EDT  
To: Bob Sussman  
Cc: Diane Thompson; Eric Wachter; Richard Windsor  
Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 04/21/2009 07:29 PM  
Subject: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 12:43:54 PM  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback

Thanks. How is lovely Italy?

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/24/2009 08:34 AM EDT  
**To:** Diane Thompson  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
It will be fine once you are not playing catch up.

----- Original Message -----

**From:** Diane Thompson  
**Sent:** 04/24/2009 07:31 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
Thanks, no blip, just a few heated moments. I will authorize auto pen for the letters. DT

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 04/24/2009 04:08 AM EDT  
**To:** Diane Thompson  
**Cc:** Eric Wachter; "Allyn Brooks-Lasure" <mabl@brooks-lasure.com>  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
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**From:** Diane Thompson  
**Sent:** 04/23/2009 03:16 PM EDT  
**To:** Richard Windsor  
**Cc:** Eric Wachter  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback

Lisa,

**Deliberative**

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Diane

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

From: Richard Windsor/DC/USEPA/US  
To: Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 04/22/2009 08:11 AM  
Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/21/2009 08:02 PM EDT  
To: Bob Sussman  
Cc: Diane Thompson; Eric Wachter; Richard Windsor  
Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 04/21/2009 07:29 PM  
Subject: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

**Deliberative**

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Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 4:30:38 PM  
**Subject:** Re: Fyi next wk

To mark Day 100. POTUS will be doing a town hall in Missouri. DT

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

**From:** Richard Windsor/DC/USEPA/US  
**To:** Diane Thompson/DC/USEPA/US@EPA  
**Date:** 04/24/2009 12:23 PM  
**Subject:** Re: Fyi next wk

OK - why we all leaving town?

----- Original Message -----

**From:** Diane Thompson  
**Sent:** 04/24/2009 10:43 AM EDT  
**To:** Richard Windsor  
**Subject:** Fyi next wk

WH wants cab to do events outside of dc on 4/29. U have TI hrg and mtg w ranking on approps. We are looking at possible MD/VA/PA events that might work. Also asking WH if there is something u can do in DC and checking to see wht Lahood is doing. Let me know what you think.  
DT

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**From:** Richard Windsor  
**Sent:** 04/24/2009 04:08 AM EDT  
**To:** Diane Thompson  
**Cc:** Eric Wachter; "Allyn Brooks-Lasure" <mabl@brooks-lasure.com>  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
Please go ahead. Sorry for the blip here. Lj

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**From:** Diane Thompson  
**Sent:** 04/23/2009 03:16 PM EDT  
**To:** Richard Windsor  
**Cc:** Eric Wachter  
**Subject:** Re: Reconsideration of NSR Rules -- Need for more immediate Feedback  
Lisa,

# Deliberative

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Diane

\*\*\*\*\*

Diane E. Thompson  
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U. S. Environmental Protection Agency  
202-564-6999

From: Richard Windsor/DC/USEPA/US  
To: Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 04/22/2009 08:11 AM  
Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

Deliberative

----- Original Message -----

From: Lisa Heinzerling  
Sent: 04/21/2009 08:02 PM EDT  
To: Bob Sussman  
Cc: Diane Thompson; Eric Wachter; Richard Windsor  
Subject: Re: Reconsideration of NSR Rules -- Need for immediate Feedback

## Deliberative

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 04/21/2009 07:29 PM  
Subject: Reconsideration of NSR Rules -- Need for immediate Feedback

**Deliberative**

Thanks for any guidance you can provide. And break a leg tomorrow.

I'll let Lisa H add her thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** "Richard Windsor" [Windsor.richard@epa.gov]  
**Cc:** "Diane Thompson" [thompson.diane@epa.gov]; Bob Sussman" [sussman.bob@epa.gov]; Adora Andy" [andy.adora@epa.gov]; Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 8:18:53 PM  
**Subject:** NSR news brief

Long-story short, I've instructed the press office to hold release of this press document. The doc was set to go out past 4pm, violating your explicit instructions earlier today in addition to violating an expressed OPA policy of no late-night releases. The doc will go on Monday.

MABL.

-----

M. Allyn Brooks-LaSure  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 9:27:00 PM  
**Subject:** Desert Rock

# Attorney Client

**To:** CN=Daniel Gerasimowicz/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 4/24/2009 11:02:11 PM  
**Subject:** Calls/Meetings with Acting RAs

After a very productive meeting we had with Stan Meiburg of Region 4, Lisa thought it would be useful to have one-on-one discussions with each of the Acting RAs to establish better rapport between he/she and the political team, identify key emerging issues and extend our assistance on sensitive matters on an ongoing basis.

The initial idea was that Scott and I would do these meetings/calls along with Lisa.

If it's convenient to have face-to-face discussions because the DRA will be in DC anyway, that's the preferred approach. But otherwise we should do phone calls.

The discussion should probably be for 30 minutes.

Dan/Robert -- could you begin getting these on the calendar?

Thanks

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**Cc:** "Craig Hooks" [Hooks.Craig@epamail.epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/25/2009 5:34:39 PM  
**Subject:** hearing memo  
[Overview Memo for T&I hearing.doc](#)

Lisa,

I've written up a two page memo on the issues surrounding the t and I hearing on weds. More comprehensive info and q and a will be in your packet on monday.

Thanks, arvin

Sent from my Blackberry Wireless Device

From: Arvin Ganesan

**Personal Privacy**

Sent: 04/25/2009 01:27 PM AST

To: Arvin Ganesan

Subject: hearing memo

**CONFIDENTIAL MEMORANDUM**

TO: Administrator Jackson  
FROM: Arvin Ganesan  
CC: Craig Hooks  
DATE: April 25, 2009  
SUBJECT: Hearing Summary for House T&I hearing on Recovery Act oversight

---

**Deliberative**

# Deliberative

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/25/2009 7:30:35 PM  
**Subject:** NO2 NAAQS PROPOSAL  
[NO2 proposal options slides for Administrator.ppt](#)

Lisa --- EPA is required by court order to propose revisions to the NAAQS for NO2 by June 30. This is a likely to be a high-profile action. While I've been briefed on the proposal, briefings for you have twice been postponed. We are hoping to get on your calendar the week after next. However, since the proposal needs to go to OMB in the next few weeks, I've told the staff to proceed on the path it's on, subject to answering several questions I've posed to better understand the basis for the proposal.

To make sure we're on the right track, here is a brief summary of the current staff thinking and the key issues we will face as we move forward. I'm attaching a set of slides prepared by the staff in case you want to dig deeper.

The NAAQS covers oxides of nitrogen as a category; NO2 is the indicator compound used to determine compliance. The current standard (an annual average of 53 ppb) was set in 1971 and has never been revised. All areas of the US attain the current standard by a wide margin. Therefore, the states do not

now devote resources to implementation.

The staff scientific assessment concludes that recent epidemiological data and controlled human studies demonstrate a link between NO<sub>2</sub> exposure and adverse respiratory effects, including aggravation of airway responsiveness in asthmatics. The literature shows that these effects are the result of short-term exposures that the current annual average standard does not protect against. These short-term exposures occur primarily near heavily-used roads and are attributable in large part to vehicle emissions.

# Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
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Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/25/2009 8:32:53 PM  
**Subject:** TEXAS SIP DISAPPROVALS

**Deliberative**

**Deliberative**

# Deliberative

Does this sound right? If so, I will schedule.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
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Goulding/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sat 4/25/2009 9:58:06 PM  
**Subject:** Risk mitigation decisions for soil fumigant pesticides

OPPTS briefed me this week on a program of risk mitigation measures it plans to implement for soil fumigant pesticides. Because of the desire to have these measures in place by the 2010 growing season, staff feels that they cannot delay moving forward and thus cannot wait for Steve Owens to be confirmed before getting management sign-off.

Soil fumigants (which include methyl bromide, among other compounds) control a wide variety of pests and are used in the production of numerous high value crops. Current use practices result in off-gassing from treated soil which presents risks to workers and bystanders of acute health effects (eye, nose, throat and upper respiratory irritation) and chronic effects like neurotoxicity and developmental toxicity (methyl bromide only). Right now, there are no required precautions that applicators must take to protect against harmful exposures.

The mitigation measures EPA would require include buffer/restricted use zones around application areas to minimize exposure and written fumigation plans, training and outreach to first responders/communities to explain safe use methods, EPA has solicited two rounds of comment on its proposed measures, in addition to conducting several meetings and field visits. The additional analysis it undertook after the last round of comment resulted in scaling-back buffer requirements that ag groups found objectionable although the concerns of grower groups and some state and federal officials (including USDA) will probably not disappear entirely. Environmental and farmworker groups generally support EPA's approach but feel it does not go far enough. EPA has consulted extensively with the ag committees in Congress and believes the majority is generally supportive. Nonetheless, many members of Congress from ag states (both D and R) have been engaged on this issue and staff expect some

Congressional criticism after it takes final action. (OMB is not a factor here because most EPA actions on pesticides are not subject to OMB review).

# Deliberative

Do you agree with going forward on this basis? Let me know what you think -BOB

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/26/2009 4:18:38 PM  
**Subject:** call to President Shirley

A meeting at OMB on RFS2 has been scheduled for 4:00 tomorrow, the same time as the call with President Shirley. Both are important. From the flight schedule from Italy, it looks like you, Lisa, will be calling President Shirley from outside the office. If that is so, then I will go to the RFS2 meeting. If not, I would be inclined to sit with you while you make the call to President Shirley and then head over to OMB for the RFS2 meeting. Could you, Eric, let me know whether the call to President Shirley will be made from EPA or while en route from the airport? Thank you.

On the call itself, if I'm not there, I think the important points are:

**Deliberative**

# Deliberative

Please let me know if you have any questions. Hope Italy is great.

**To:** Richard Windsor/DC/USEPA/US@EPA[]  
**From:** **Personal Privacy**  
**Sent:** Sun 4/26/2009 1:11:40 PM  
**Subject:** Re: politico rates epa's 1st 100  
[Find out now!](#)

Thanks, this is great and real affirmation of your leadership. I met POTUS yesterday at the COS mtg. It was a very big deal to me, and the kids went wild when I told them. Will fill you in on some details when I see you. Lot's on need to stay on message and coordinate.  
Have a safe trip home. DT

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov  
To: Scott Fulton <Fulton.Scott@epamail.epa.gov>; Diane Thompson **Personal Privacy**; Bob Sussman <Bob.Sussman@epa.gov>; Lisa Heinzerling <heinzerl@law.georgetown.edu>; David McIntosh **Personal Privacy**  
Sent: Fri, 24 Apr 2009 9:43 am  
Subject: Fw: politico rates epa's 1st 100

----- Original Message -----

From: David Cohen  
Sent: 04/24/2009 09:26 AM EDT  
To: Richard Windsor; Allyn Brooks-LaSure  
Subject: politico rates epa's 1st 100  
Agency: EPA

By LISA LERER | 4/24/09 4:05 AM EDT      Text Size: (Embedded)

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(Embedded image moved  
to file: pic21788.gif)  
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to file: pic23098.gif)

20

(Embedded image moved to file:  
pic17882.jpg)EPA administrator Lisa  
Jackson appears in New Bedford,  
Mass.

In the first 100 days, EPA is  
quickly moving forward on a host of  
once-stalled proposals.

Photo: AP

EPA Administrator Lisa Jackson didn't even have the keys to her office when the Obama administration started its ambitious revamp of her agency.

Immediately after swearing Jackson into her new post, President Barack Obama ordered her to review a Bush administration ruling that prohibited California and 15 other states from setting tougher auto emissions standards. Then, he ordered the Transportation Department to enforce tougher fuel efficiency standards by 2011.

The administration's message was clear: A new, greener day has dawned at the Environmental Protection Agency.

EPA was one of the most demoralized agencies in the federal government under President George W. Bush. The career staff — which supports stricter environmental regulation — bristled under political appointees who blocked agency initiatives. Their frustration was shared by many in the environmental community, including Jackson. As head of New Jersey's Department of Environmental Protection, she joked that in the Bush administration, EPA stood for the "Emissions Permissions Agency."

Now, Jackson is quickly moving forward on a host of once-stalled proposals. In the first 100 days, EPA has taken initial steps to impose stricter controls on coal plants, mercury produced by power plants and greenhouse gas emissions.

"Lisa Jackson took over a listing battleship, and she has righted it and turned it around," said Dan Weiss, director of climate strategy at the left-leaning Center for American Progress. "Probably no federal agency will have undergone such a profound change than EPA under Obama."

#### Gold Medal Performance

The EPA took a major step toward capping greenhouse gas emissions when it issued a much-anticipated finding this month that global warming is a danger to human health and welfare. The finding will have a huge economic impact on coal plants, transportation and manufacturing. It also increases the pressure for Congress to pass climate change legislation before international climate talks in Copenhagen in December. If lawmakers fail to act, the ruling could force EPA to impose

strict new regulations.

#### Worst Train Wreck

One early letdown came when Jon Cannon, a former top EPA lawyer, withdrew his nomination for deputy administrator. The move came after vetters began scrutinizing a now-defunct nonprofit group where Cannon once served on the board of directors that was faulted for mishandling federal grant money.

#### Sea Change

In a memo to EPA employees, Jackson laid out the administration's guiding principles: science, rule of law and transparency. And EPA is backed by an administration that counts global warming as one of its top priorities. "There is no example, much less a recent example, of this amount of high-level policy attention being devoted to global warming, clean energy and green jobs," says John Walke, clean air director for the Natural Resources Defense Council. "We're in uncharted territory."

#### Elephant in the Room

Observers say it will take a long time to undo some of the Bush administration actions that the new administration would like to reverse

— such as the=2

Loosening of prohibitions against dumping mine waste near streams and years of little action on regulating greenhouse gases.

#### Biggest Food Fight

EPA could soon find itself in a turf war with the Department of Transportation, since both are authorized to address auto emissions. Currently, EPA is reviewing whether to grant states a legal waiver to lower passenger car emissions by 30 percent, while DOT recently revised the federal corporate average fuel economy, or CAFE, standards. Depending on what EPA decides, the two agencies could release conflicting emissions standards: one for states that get the waiver and another that would be applied nationwide.,

Green cleaning products -- do they work as well? Find out now!

**To:** CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/26/2009 10:54:03 PM  
**Subject:** Re: Fw: Discuss Draft - Impediments to OIG Access

Obviously a sensitive issue. The comments could certainly come to Marcia, reporting to you. We could task Todd Atkinson to work with you and her in compiling and reviewing the comments. (This would be good opportunity for Todd to work with Marcia, who is theoretically his boss, and would provide another opportunity for the political team to judge the quality of his work. He continue to report that he is grossly underutilized)

Is the first step here to develop a comment request letter for your signature to go to the offices and regions? Could Todd draft this?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**From:** Scott Fulton/DC/USEPA/US  
**To:** "Bob Sussman" <Sussman.Bob@epamail.epa.gov>  
**Cc:** "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
**Date:** 04/25/2009 09:53 AM  
**Subject:** Fw: Discuss Draft - Impediments to OIG Access

Hi Bob - Would welcome your review and thoughts. We need to identify an Agency lead for pulling together comments. Marcia? Scott

----- Original Message -----

**From:** Dwayne Crawford  
**Sent:** 04/24/2009 12:31 PM EDT  
**To:** Scott Fulton; Patricia Gilchrist  
**Cc:** Craig Hooks; Beth Craig; Maryann Froehlich; Catherine McCabe; Linda Travers; Pat Hirsch; Kathy Petruccelli; Jim Jones; Lek Kadeli; Barry Breen; Mike Shapiro; Ira Leighton; George Pavlou; William Early; Stan Meiburg; Bharat Mathur; Lawrence Starfield; William Rice; Carol Rushin; Laura Yoshii; Michelle Pirzadeh; Pat OLeary; John Svec; Lorraine Fleury; Terry Dempsey/R4/USEPA/US@EPA; Eric Levy; Susan Jenkins; Kathy Finazzo; Wayne Anthofer; Richard Hennecke; Bob Phillips; Gwendolyn Spriggs; Sandy Womack; Bobbie Trent; Krista Mainess; Michael Mason; Peggy Anthony; Peter Cosier; Karen Summers/DC/USEPA/US@EPA; Chris Tirpak; Johnsie Webster; Bill Roderick; Mark Bialek; Wade Najjum; Elizabeth Grossman; Eric Lewis; Rae Donaldson; Gary Sternberg  
**Subject:** Discuss Draft - Impediments to OIG Access  
Acting Deputy Administrator Fulton,

Attached for your review and comment is the OIG's discussion draft on impediments to OIG access. Between July 2008 and April 2009, the OIG performed an Agency-wide evaluation of EPA's guidance and procedures governing OIG access to personnel, records, and other information. This discussion draft

addresses concerns regarding the lack of consistent Agency guidance governing interaction with the OIG, which has affected OIG access to information and personnel in the performance of its work. We request your informal comments on the factual accuracy of the information provided within 10 working days. In addition, we would like to set up an exit conference, at a mutually agreeable time, based upon the issues in the discussion draft.

[attachment "Discussion Draft.Impediments to OIG Access.4.24.2009.doc" deleted by Bob Sussman/DC/USEPA/US]

Dwayne E. Crawford, Sr.  
Project Manager  
US EPA, OIG  
(202) 566-2894

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Sun 4/26/2009 10:56:51 PM  
**Subject:** Re: Fw: Discuss Draft - Impediments to OIG Access

Yes, that's a good next step. We'll also need to let Marcia know the role that we envision for her here. Can you give her a heads up tomorrow? Thx!

----- Original Message -----

From: Bob Sussman  
Sent: 04/26/2009 06:53 PM EDT  
To: Scott Fulton  
Cc: Richard Windsor  
Subject: Re: Fw: Discuss Draft - Impediments to OIG Access

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Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Scott Fulton/DC/USEPA/US  
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>  
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 04/25/2009 09:53 AM  
Subject: Fw: Discuss Draft - Impediments to OIG Access

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Cc: Craig Hooks; Beth Craig; Maryann Froehlich; Catherine McCabe; Linda Travers; Pat Hirsch; Kathy Petruccelli; Jim Jones; Lek Kadeli; Barry Breen; Mike Shapiro; Ira Leighton; George Pavlou; William Early; Stan Meiburg; Bharat Mathur; Lawrence Starfield; William Rice; Carol Rushin; Laura Yoshii; Michelle Pirzadeh; Pat OLeary; John Svec; Lorraine Fleury; Terry Dempsey/R4/USEPA/US@EPA; Eric Levy; Susan Jenkins; Kathy Finazzo; Wayne Anthofer; Richard Hennecke; Bob Phillips; Gwendolyn Spriggs; Sandy Womack; Bobbie Trent; Krista Mainess; Michael Mason; Peggy Anthony; Peter Cosier; Karen

Summers/DC/USEPA/US@EPA; Chris Tirpak; Johnsie Webster; Bill Roderick; Mark Bialek; Wade Najjum; Elizabeth Grossman; Eric Lewis; Rae Donaldson; Gary Sternberg

Subject: Discuss Draft - Impediments to OIG Access  
Acting Deputy Administrator Fulton,

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[attachment "Discussion Draft.Impediments to OIG Access.4.24.2009.doc" deleted by Bob Sussman/DC/USEPA/US]

Dwayne E. Crawford, Sr.  
Project Manager  
US EPA, OIG  
(202) 566-2894

**FOR OFFICIAL USE ONLY**  
**DOMESTIC READINESS GROUP (DRG) MEETING**  
**MEETING REPORT**  
DATE: April 26, 2009  
LOCATION: WHSR VTC  
TIME: 3:00 P.M. – 4:00 P.M.

The DRG met to coordinate actions among Federal departments regarding the strain of Swine Flu (H1N1) virus that has now infected twenty people in the U.S and hundreds in Mexico. HSC, Departments and Agencies reported the following:

HSC

- A Deputies telecon was convened today at 0900
- A WH press conference was conducted today at 1230 with the Director of the CDC, the Secretary of DHS and the HSC Director

HHS

- New H1N1 Swine flu cases confirmed in U.S. and internationally
- The PHE was signed by the Acting Secretary at 12pm
- Updated community mitigation guidance is evolving with 4 recommendations, including: treatment and isolation of ill individuals, household quarantine, dismiss schools where a case has been documented, cancel large gatherings
- HHS is coordinating with WHO on requests for oseltamivir

DHS

- Principal Federal Official guidance being completed
- The Secretary has called leadership of affected States
- Daily Emergency Management calls are proceeding with all fifty States

DOT

- Guidance for flight crews from Mexico is being developed with CDC guidance

DRG members concurred with HSC establishing a Swine flu (H1N1) work group to be chaired by Dr. Richard Hatchett, detailed to the HSC

Upcoming meetings

- FEMA VTC daily at 1300
- DRG VTC daily at 0900
- 4/27 Principals meeting at 1800
- 4/28 Deputies meeting at 1700 (VTC)
- 4/29 Deputies meeting at 1300 (in person, in place of already scheduled Deputies meeting)

HOMELAND SECURITY COUNCIL  
DEPUTIES-LEVEL MEETING ON THE H1N1 SWINE FLU OUTBREAK

SUMMARY OF CONCLUSIONS

Date: April 26, 2009

Time: 9:00 a.m. – 10:00 a.m.

Location: Via Teleconference

During a Homeland Security Council Deputies-level meeting regarding the H1N1 swine flu outbreak, the following was agreed:

1. The Department of Health and Human Services has decided to issue a Public Health Emergency (PHE) declaration today regarding the H1N1 swine flu outbreak. The PHE will enable the activation of authorities and resources necessary to prepare for rapid response capabilities, as needed. **[ACTION: HHS; by today, April 26, 2009]**
2. The Department of Health and Human Services, through the Acting Director of the Centers for Disease Control and Prevention, will develop and issue Federal guidance and recommendations on community mitigation measures for affected communities, to include select school closings. **[ACTION: HHS/CDC; by today, April 26, 2009]**
3. The Department of Homeland Security will ensure outreach to the political leadership in all states with one or more confirmed positive H1N1 cases to identify requirements for support from the Federal government. **[ACTION: DHS; by today, April 26, 2009]**
4. The Department of State will coordinate with the World Health Organization regarding any forthcoming declarations and issues related to the potential for International need for antivirals and the use of existing stockpiles to address those needs. **[ACTION: STATE; by April 27, 2009 and ongoing]**
5. The Secretary of State, in consultation with departments and agencies with responsibility for public health and domestic security, will develop, issue, and update travel advisories for Mexico and as necessary to reflect the evolving situation. **[ACTION: State; by April 27, 2009 and ongoing]**
6. The Department of Homeland Security National Operations Center will assemble and include in the 4:00 p.m. daily report a list of preparatory and mitigative actions being taken by departments and agencies. **[ACTION: DHS; by today, April 26, 2009 and ongoing]**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/27/2009 10:05:36 PM  
**Subject:** RFS2

State is now fine with this rule, with one benign change from us. The rule will likely formally clear OMB review tomorrow.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/27/2009 3:35:37 PM  
**Subject:** heads up on two items: South Dakota coal plant and nitric acid plants

Lisa,

Two items of note:

1. There is a Title V proceeding underway in South Dakota to permit a coal-fired power plant called Big Stone. South Dakota is the permitting authority. After the inauguration but before you were sworn in, Region 8 filed comments on the permit (under a deadline). South Dakota has responded to the comments. Region 8 will likely be in a position to finish reviewing South Dakota's response this week. Region 8 has 45 days for this review, but South Dakota is very anxious to have the review concluded very soon. Several things for you to be aware of:

- a. The Governor of South Dakota might call you about this. The plant is considered a boon to the state's economy, and he wants to see the permit granted.
- b. Beth Craig is figuring out whether there are issues in this proceeding that are the same as those in Desert Rock which has just led us to ask for a remand. She is also finding out whether there are other issues in this proceeding that have cropped up in other proceedings (besides Desert Rock) around the country.
- c. If Region 8 objects again to the permit, the federal government will become the permitting authority -- meaning that if the facility goes down, it will be our responsibility.

I will keep you posted as to what Beth Craig finds out about the issues raised in this case. In the meantime, let me know if there is something else I should be/not be doing.

2. EPA has been sued over its failure to issue NSPS for nitric acid plants. The specific concern is over nitrous oxide emissions.

Attorney Client

**Attorney Client**

As always, please let me know if you have any questions. Welcome back.

Lisa

To: CN=LisaP Jackson/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Ray  
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Barry  
Breen/OU=DC/O=USEPA/C=US@EPA;CN=Debbie  
Dietrich/OU=DC/O=USEPA/C=US@EPA;CN=Stan  
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Mathur/OU=R5/O=USEPA/C=US@EPA;CN=Carol  
Rushin/OU=R8/O=USEPA/C=US@EPA;CN=Kathy  
Petruccelli/OU=DC/O=USEPA/C=US@EPA; **Personal Privacy** N=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
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Spears/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
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Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Barry  
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Rushin/OU=R8/O=USEPA/C=US@EPA;CN=Kathy  
Petruccelli/OU=DC/O=USEPA/C=US@EPA; [Personal Privacy]; N=Barry  
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Petruccelli/OU=DC/O=USEPA/C=US@EPA; [Personal Privacy]

ya.e.spears@verizon.net[]

**Cc:** CN=Jim Knoy/OU=DC/O=USEPA/C=US@EPA[]

**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]

**From:** CN=Juan Reyes/OU=DC/O=USEPA/C=US

**Sent:** Mon 4/27/2009 2:44:48 AM

**Subject:** update on Deputies Swine Flu calls and the HSC/Domestic readiness group and upcoming deputies and principles calls/meetings

04-26-09 SOC - Deputies Meeting on H1N1.pdf  
DRG meeting report 4-26-09.pdf

The attached files are Summary of Conclusions (SOC's) from two calls today on the Swine Flu situation. One was a deputies call this AM with John Brennan (WH/HSC) and the other from this afternoon's Domestic readiness group of the HSC.

Scott, Diane and Ray; I need to bring three upcoming calls/meetings of deputies and principles that the WH Situation Room will be scheduling. I have no schedule info at this time, but we will pass those along when we get them.

4/27 Principals meeting at 1800

4/28 Deputies meeting at 1700 thru Video Tele Com (VTC)

4/29 Deputies meeting at 1300 in person in place of already scheduled meeting

We have a number of other activities that OHS and OEM/OSWER will be covering tomorrow as the situation progresses mostly focused on preparedness and response.

Juan Reyes  
Deputy Associate Administrator  
Office of Homeland Security, EPA  
Phone: (202) 564-6978  
Fax: (202) 501-0026

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 4/27/2009 10:13:50 PM  
**Subject:** Re: RFS2

The rule will go out in the next day or two, depending on when it comes back from OMB.

The Kennedy Center reception is tonight. I don't know who from EPA is going (I'm not).

I'll try to find out who is at MEF besides environment ministers and also how the discussion is going.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 04/27/2009 06:10 PM  
**Subject:** Re: RFS2

Thx. When is it going out? Is Kennedy ctr tonight? If so, try to get intel on who is at MEF from other countries (i.e., others besides environment ministers?) as well as how discussion is going. Tx.

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 04/27/2009 06:05 PM EDT  
**To:** Richard Windsor  
**Subject:** RFS2

State is now fine with this rule, with one benign change from us. The rule will likely formally clear OMB review tomorrow.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/28/2009 12:44:28 AM  
**Subject:** Fw: TEXAS SIP DISAPPROVALS

sending again in case you missed it before

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/27/2009 08:43 PM -----

**From:** Bob Sussman/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Scott Fulton/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA  
**Date:** 04/25/2009 04:32 PM  
**Subject:** TEXAS SIP DISAPPROVALS

# Deliberative

# Deliberative

Q

Does this sound right? If so, I will schedule.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/28/2009 12:46:46 AM  
**Subject:** Fw: NO2 NAAQS PROPOSAL  
NO2 proposal options slides for Administrator.ppt

In case you missed before . . .

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/27/2009 08:46 PM -----

**From:** Bob Sussman/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA  
**Date:** 04/25/2009 03:30 PM  
**Subject:** NO2 NAAQS PROPOSAL

Lisa --- EPA is required by court order to propose revisions to the NAAQS for NO2 by June 30. This is a likely to be a high-profile action. While I've been briefed on the proposal, briefings for you have twice been postponed. We are hoping to get on your calendar the week after next. However, since the proposal needs to go to OMB in the next few weeks, I've told the staff to proceed on the path it's on, subject to answering several questions I've posed to better understand the basis for the proposal.

To make sure we're on the right track, here is a brief summary of the current staff thinking and the key issues we will face as we move forward. I'm attaching a set of slides prepared by the staff in case you want to dig deeper.

The NAAQS covers oxides of nitrogen as a category; NO2 is the indicator compound used to determine compliance. The current standard (an annual average of 53 ppb) was set in 1971 and has never been revised. All areas of the US attain the current standard by a wide margin. Therefore, the states do not now devote resources to implementation.

The staff scientific assessment concludes that recent epidemiological data and controlled human studies demonstrate a link between NO2 exposure and adverse respiratory effects, including aggravation of airway responsiveness in asthmatics. The literature shows that these effects are the result of short-term exposures that the current annual average standard does not protect against. These short-term exposures occur primarily near heavily-used roads and are attributable in large part to vehicle emissions.

**Deliberative**

# Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/28/2009 12:45:38 AM  
**Subject:** Fw: Risk mitigation decisions for soil fumigant pesticides

Sending again in case you missed it before . . .this is one we need to move on right away.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/27/2009 08:44 PM -----

**From:** Bob Sussman/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA  
**Date:** 04/25/2009 05:58 PM  
**Subject:** Risk mitigation decisions for soil fumigant pesticides

OPPTS briefed me this week on a program of risk mitigation measures it plans to implement for soil fumigant pesticides. Because of the desire to have these measures in place by the 2010 growing season, staff feels that they cannot delay moving forward and thus cannot wait for Steve Owens to be confirmed before getting management sign-off.

Soil fumigants (which include methyl bromide, among other compounds) control a wide variety of pests and are used in the production of numerous high value crops. Current use practices result in off-gassing from treated soil which presents risks to workers and bystanders of acute health effects (eye, nose, throat and upper respiratory irritation) and chronic effects like neurotoxicity and developmental toxicity (methyl bromide only). Right now, there are no required precautions that applicators must take to protect against harmful exposures.

The mitigation measures EPA would require include buffer/restricted use zones around application areas to minimize exposure and written fumigation plans, training and outreach to first responders/communities to explain safe use methods, EPA has solicited two rounds of comment on its proposed measures, in addition to conducting several meetings and field visits. The additional analysis it undertook after the last round of comment resulted in scaling-back buffer requirements that ag groups found objectionable although the concerns of grower groups and some state and federal officials (including USDA) will probably not disappear entirely. Environmental and farmworker groups generally support EPA's approach but feel it does not go far enough. EPA has consulted extensively with the ag committees in Congress and believes the majority is generally supportive. Nonetheless, many members of Congress from ag states (both D and R) have been engaged on this issue and staff expect some Congressional criticism after it takes final action. (OMB is not a factor here because most EPA actions on pesticides are not subject to OMB review).

**Deliberative**

Do you agree with going forward on this basis? Let me know what you think -BOB

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/28/2009 11:58:42 AM  
**Subject:** heads of delegation for MEF  
[MEF HODs-21 April.pdf](#)

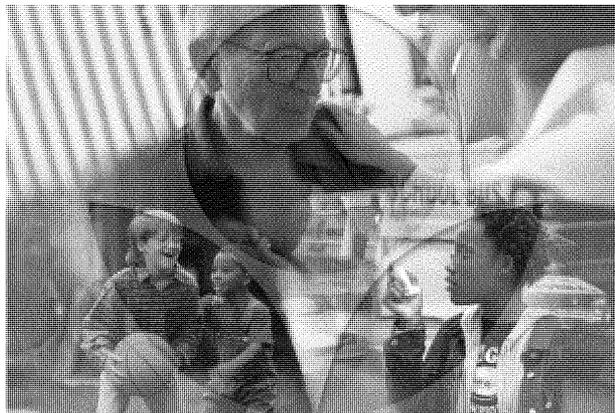
Attached, as promised.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 4/28/2009 12:00:56 PM  
**Subject:** MEF discussions

No real intel yet on the MEF discussions, beyond the fact that some other countries aren't happy about the principal +3 rule we've set; this leaves many of them without their climate negotiators in the room. Apparently quite a few countries have also brought several high-ranking officials (environment and other ministers), some of whom can't attend the meeting because of the limit on participants.

Not a substantive report, I know; I'm hoping to get more information as the day goes on.

# Overview Briefing for the Administrator: Options for the NO<sub>2</sub> Primary NAAQS



Office of Air and Radiation  
Office of Air Quality Planning and Standards

## Major Issues in this Review

# Deliberative

## NO<sub>2</sub> Air Quality and Exposures

# Deliberative

## Overview of Health Evidence

# Deliberative

## Overview of Health Evidence (Continued)

# Deliberative

# NO<sub>2</sub>-Associated Exposures and Health

# Deliberative

## NO<sub>2</sub>-Associated Exposures and Health Risks (Continued)

# Deliberative

# The Current Standard Does Not Appear to Provide Adequate Public Health Protection

# Deliberative

# Deliberative

## Considerations with Regard to the Recommended Approach

# Deliberative

## Anticipated Stakeholder Reaction

# Deliberative

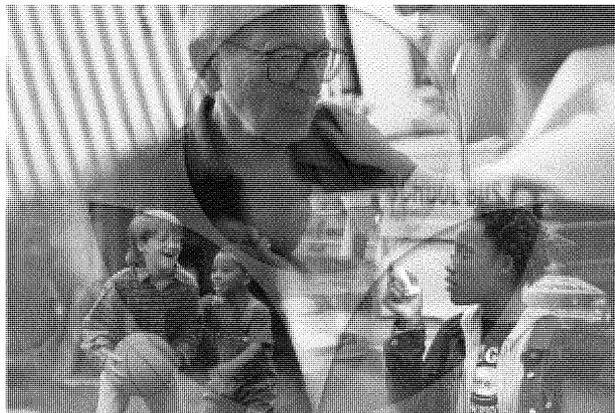
## Next Steps

# Deliberative

## MEF Participation

Country	Leaders Rep	Ministry
<b>Australia</b>		
	Minister Penny WONG	Department of Climate Change
<b>Brazil</b>		
	Ambassador Vera Barrouin MACHADO	Ministry of External Relations
<b>Canada</b>		
	Minister Jim PRENTICE	Environment Canada
<b>China</b>		
	Vice Chairman XIE Zhenhua	National Development and Reform Commission
<b>EU Commission</b>		
	Mr. João VALE DE ALMEIDA	Cabinet of President Barroso
<b>EU Presidency</b>		
	Minister Martin BURSIK	Ministry of the Environment
<b>France</b>		
	Minister Jean-Louis BORLOO	Minister of State of the Ministry of Ecology, Energy, Sustainable Development and Town and Country Planning
<b>Germany</b>		
	Minister Sigmar GABRIEL	Ministry for the Environment, Nature Conservation and Nuclear Safety
<b>India</b>		
	Special Envoy Shyam SARAN	Office of the Prime Minister
<b>Indonesia</b>		
	Minister Rachmat WITOELAR	Ministry of the Environment
<b>Italy</b>		
	Minister Stefania PRESTIGIACOMO	Ministry for the Environment and Territory and Sea Protection
<b>Japan</b>		
	Ambassador Shinsuke SUGIYAMA	Ministry of Foreign Affairs
<b>Korea</b>		
	Ambassador Rae-Kwon CHUNG	Ministry of Foreign Affairs and Trade
<b>Mexico</b>		
	Minister Juan ELVIRA	Secretariat of the Environment and Natural Resources
<b>Russia</b>		
	Director Aleksandr BEDRITSKIY	Federal Service for Hydrometeorology and Environmental Monitoring
<b>South Africa</b>		
	Minister Marthinus VAN SCHALKWYK	Department of Environmental Affairs and Tourism
<b>United Kingdom</b>		
	Secretary Ed MILIBAND	Department of Energy and Climate Change
<b>United States</b>		
	Special Envoy for Climate Change Todd STERN	Department of State
<b>Denmark</b>		
	Mr. Bo LIDEGAARD	Office of the Prime Minister
<b>United Nations</b>		
	Mr. Yvo DE BOER	UNFCCC

# Overview Briefing for the Administrator: Options for the NO<sub>2</sub> Primary NAAQS



Office of Air and Radiation  
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## NO<sub>2</sub> Air Quality and Exposures

# Deliberative

## Overview of Health Evidence

# Deliberative

## Overview of Health Evidence (Continued)

# Deliberative

# NO<sub>2</sub>-Associated Exposures and Health Risks

# Deliberative

## NO<sub>2</sub>-Associated Exposures and Health Risks (Continued)

# Deliberative

# The Current Standard Does Not Appear to Provide Adequate Public Health Protection

# Deliberative

# Deliberative

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# Deliberative

## Anticipated Stakeholder Reaction

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## Next Steps

# Deliberative